Acta Apostolicae Sedis

Volume X (1918)
Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

An English translation of the Latin edition
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Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 5*]

Year X - Vol. X, January 2, 1918, No. 1.

ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

APOSTOLIC CONSTITUTION ESTABLISHING THE PARISH OF THE HOLY HEART OF JESUS FOR THE EXPULSION OF SOULS FROM PURGATORY IN THE CITY.

BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD,

For the perpetual memory of the matter, by Apostolic Letters entitled "Cum Nobis," dated January 20, 1913, Our Predecessor, the blessed and revered Pope Pius X, highly approving of the works undertaken by the most pious missionary, Father Victor Jouet, for the spiritual benefit of the citizens in this city, namely, the public oratory already celebrated by the neighborhood, the association established there for assisting the faithful departed, and the construction of the new and larger temple, which he had begun but left unfinished due to his death, entrusted all these things to his care, and entrusted the Missionaries of the Sacred Heart of Jesus of the Italian Province to govern and administer them. And since he intended, after the construction of the temple, to establish a new parish there, he decreed that the same Missionaries should be entrusted with it, according to the prescribed law concerning parishes of regular canons. Moreover, he became certain of his beloved son, Peter Benedetti, a priest from the same family of Missionaries, who was then...

[*Latin ed. p. 6*]

6. The Acts of the Apostolic See record that a most diligent man worked tirelessly to ensure that nothing detrimental would befall the beneficial institutions. He was chosen as the administrator of the association we mentioned, and of the construction of the church, and he was entrusted with the care of all these matters, so that he would be subject to the Supreme Pontiff in such matters. Now, since the construction of the church, dedicated to the honor of the Sacred Heart of Jesus, for the salvation of souls in purgatory, has been completed, We, having approved the regulations established by Our predecessor concerning the association, which We recently elevated to an Archconfraternity, and concerning the administration and governance of the new church and its affiliated works, and confirming Our beloved son Peter Benedetti in the office he requested, so that we may promote the salvation of souls, We, by the fullness of Our Apostolic power, establish a new parish there, and We declare it established by these letters. We assign to it

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a portion of the parish of Saint Mary beyond the bridge of Aelian, and the territory surrounding it, as defined by Our Cardinal Vicar in the City, and We allocate a certain sum of money to it for appropriate revenues. Furthermore, We desire that the association, which We mentioned, after having left its former oratory where it originated, have its principal seat henceforth in the new church. These present letters, and all that they contain, and all the regulations therein, shall never, for any reason, by any means or pretext, even if the patrons, ecclesiastical or lay, or any other person who may have or claim to have a right or interest, even by foundation, endowment, or any other title, in the aforementioned matters or in any of them, should not have consented to them, or should not have been called and heard, be deemed to be invalid, void, or subject to any fabricated or substantial defect, and shall not be challenged or brought into controversy or judgment. However, as an act of Papal Providence, and by Our own initiative, with full knowledge and mature deliberation, We declare that these, issued by the fullness of Our Apostolic power, shall always and forever remain valid and effective, and shall have full and complete force.

[*Latin ed. p. 7*]

The effects of this [document] which we desire and decree to be obtained and observed inviolably in all things, setting aside any authority, even that of the shining dignity of Cardinality, to judge or interpret otherwise; and we declare null and void whatever may happen in opposition to this, knowingly or unknowingly. Notwithstanding any law previously inquired into, and other of Our regulations and those of the Apostolic Chancery, the Constitutions and Ordinances of Our Predecessors, and of any Churches, Patriarchates, or Orders and Congregations, confirmed by oath and Apostolic confirmation, or by any other means, statutes and customs, even if granted by a *Motu proprio* or by any other means contrary to the foregoing, we, with equal force, knowledge, and the fullness of Our Apostolic Authority, expressly set aside, annul, and derogate from all of these and their entirety. Moreover, we desire that copies or transcripts of this document, even if printed, should have the same validity in judgment and otherwise as if the original were presented, provided they are signed by the hand of an Apostolic Notary and sealed with the seal of a person constituted in ecclesiastical dignity. Therefore, it is not permitted to any person whatsoever to infringe this page of Our erection and dismemberment, derogation, Indult, decree, statute, mandate, and will, or to dare to contradict it with reckless audacity. If anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at St. Peter's, in the year of the Incarnation of the Lord one thousand nine hundred and thirty-seven, on the tenth day of the month of December, in the fourth year of Our Pontificate.

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V. CARD. VANNUTELLI O.

Datarius.
In place of CARD. DE AZEVEDO
S. R. E.
Cancellarius.
Plumbi VISA M. Reg. in Can. Ap., vol. XVI, n. 9.
RIGGL C. A., Not.

[*Latin ed. p. 8*]

8 Acta Apostolicae Sedis - Official Commentary on the APOSTOLIC LETTER concerning the PAROCHIAL CHURCH of the Blessed Virgin Mary of Mercy in the city of BONAERENSI, granted the title and privilege of a Minor Basilica. BENEDICT XV. For the perpetual memory of the matter. — We bestow honors and privileges upon sacred and prominent buildings, which, whether through the splendor of divine worship or through works of art, excel above others, so that, made more august, they may increase the veneration and piety of the faithful. Among these is the temple dedicated to the Virgin of Mercy, located in the city of BONAERENSI, which, after the cathedral church, easily holds a place of honor, and which, although it belongs to the ancient parish of the same cathedral, commonly called "Paroquia de la Cathedral al Norte." Many and outstanding features of this parish, both in its antiquity and in its architecture, are worthy of mention; for, in addition to the glorious banners, or trophies, of the Argentine nation, religiously preserved in memory of the freedom obtained, which were given to it by Belgrano, the supreme commander of the armies, in the year 1812, its altars are adorned with marbles and images of saints, skillfully painted; and this temple also shines splendidly with colored glass. Above all, there are the relics of the saints present there, as well as the privileges and indulgences granted to this sacred building, and also its rich furnishings, and, above all, the zeal and labor of the clergy, by which the worship is adorned, and the religious faith of the Christian people is promoted and fostered. Therefore, the Venerable Brother Marianus Antonius Espinosa, Archbishop of BONAERENSI, having seized the opportunity of a great solemnity, on the day of August 2nd, when the wonderful event is commemorated in which the Blessed Queen of Heaven appeared seven centuries ago in Barcelona, earnestly requested that, having favorably received his and the people's wishes, we would deign to honor the distinguished parish, as mentioned above, with a sign of Pontifical benevolence; and We, inclined by such pious desires, comply. Wherefore, by the tenor of the present document, by Our apostolic authority, and with the advice of the Most Eminent and Reverend Fathers, Cardinals Prefects of the Sacred Rites, We hereby grant to the parochial church of the city of BONAERENSI, erected in honor of the Blessed Virgin

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Mary of Mercy, the title of Minor Basilica.

[*Latin ed. p. 9*]

The Acts of Pope Benedict XV, paragraph 9, and in a perpetual manner, we increase [his honor] with all and each rights, privileges, prerogatives, honors, indulgences, which rightfully belong to the venerable basilicas of this Our City. We decree that these present Letters shall always remain firm, valid, and efficacious, and shall fully and completely produce their effects, and shall fully benefit those to whom they pertain; and it shall be rightly judged and defined, and shall be declared void and null if anything to the contrary should occur, knowingly or unknowingly, by any authority. Notwithstanding all contrary things. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-third day of November, in the year 1917, in the fourth year of Our Pontificate.

P. CARD. GASPARRI, Prefect of the Secretariat of State.

II. THE NEW APOSTOLIC VICARIATE, TO BE CALLED "DE BENI," IS ESTABLISHED.

BENEDICT XV.

For the sake of future memory.

— May these things, which are beneficial to the Catholic name and to the eternal salvation of the faithful, occur well, prosperously, and happily; this, as we have been reminded, is the duty of the highest office of the Apostleship, which we, undeservedly, exercise on earth.

Indeed, since the Catholic mission in the region of "Beni" is currently so strong that it seems appropriate to entrust it to a proper Apostolic Vicar; We, after careful consideration and with the support of a grave Apostolic instruction, and having heard our Venerable Brother, His Eminence, Cardinal De Lai, Bishop of Sabina, Prefect of the Sacred Congregation Consistorial, we have deemed it fitting to decree the following.

Therefore, by Our own motion and with full knowledge and mature deliberation, and by the power of Our Apostolic authority, We establish and constitute the "Beni" mission as an Apostolic Vicariate, and We place the seat of this new Vicariate in the city of "Trinidad," commonly known as such.

We entrust the administration of this new Vicariate to the Brothers Minor of Saint Francis of Assisi; and We command that this Vicariate, to be called "de Beni," shall include, in addition to the territory of the former mission, also the regions called "Colonias," "Caupolican," and "Yuracarès."

Furthermore, We decree these things, establishing that these present Letters shall always remain firm, valid, and efficacious, and shall fully and

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completely produce their effects.

[*Latin ed. p. 10*]

Acts of the Apostolic See - 10. Official Commentary. To obtain and maintain [its privileges], and to fully assist those to whom they pertain; and thus, to judge and define rightly, so that whatever is attempted otherwise concerning these matters by anyone, with any authority whatsoever, knowingly or unknowingly, shall be rendered invalid and void. Notwithstanding any contrary provisions. Given in Rome, near the blessed Peter, under the Fisherman's ring, on the tenth day of December, in the year 1917, in the fourth year of Our Pontificate. "P. GARD. GASPARRI, Secretary of State."

III. A DAUGHTER SODALITY OF MARY, UNDER THE TITLE OF THE PRESENTATION, IS ERECTED AT S. AMBROSII IN THE CITY OF CUNEO, AND IS ENRICHED WITH INDULGENCES. BENEDICT XV. For the perpetual memory of the matter. – We freely raise pious associations of the faithful, which are distinguished by their antiquity and by the abundant works of piety and charity, to a higher degree of dignity, and We adorn them with conspicuous privileges, according to Our will. Therefore, We have received with joy the news that, in the church of S. Ambrose, in the city of Cuneo, a Daughter Sodality of the Most Holy Virgin Mary, under the title of the Presentation of the same Most Holy Mary, has been canonically erected since the year 1740, and that it has flourished and has produced excellent fruits of religion among the young girls. Since, therefore, this devoted Sodality has arisen for the first time in that diocese, and has earned the highest praise for its service to the faith and to the people; We have graciously accepted the petitions which Our beloved son, the present Prior commendatory of that parish, has presented to Us, and We grant that it may increase day by day, both in its noble title and in the special graces bestowed upon it by the Lord. Wherefore, by Our apostolic authority, and after having heard the Most Reverend and Most Illustrious Cardinals of the Council of Trent concerning the interpretation of its decrees, We erect and establish the Daughter Sodality of Mary, which exists under the name of the Presentation of the Most Holy Virgin, in the church of S. Ambrose in the city of Cuneo, as an Archisodality, with the customary privileges, perpetually, by the force of these Letters. And in order to further signify Our benevolence towards the same Sodality, We consent to add the following indulgences to those which it already enjoys, both plenary and partial, to all, that is, to each and every member, who, truly contrite and having received the sacrament of confession, and having received Holy Communion, participate in the solemnities of Easter, the Resurrection, and the Ascension.

[*Latin ed. p. 11*]

The acts of Pope Benedict XV, on the second day of Pentecost and the Feast of the Body of Christ, as well as on the feast of the Most Sacred Heart

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of Jesus, and furthermore on the feasts of the Immaculate Conception, the Nativity, and the Assumption of the Blessed Virgin Mary, on the feasts of the Presentation of the Virgin Mary, the feasts of Saint Joseph, Saint Anne, Saint Joachim, Saint Agnes, Saint Ursula, and the Holy Innocents, from noon on these feast days until midnight of the same feasts, and finally on Sundays of each month, from sunrise to sunset, if they have devoutly visited the aforementioned parish church and the chapel of the Sodality located there, and have offered pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, then they shall receive a plenary indulgence; moreover, to all and each of the faithful of both sexes, who, having duly confessed and received absolution, and having attended the Holy Mass, visit the aforementioned parish church, dedicated to Saint Ambrose, from noon on the preceding Sunday, on which the feast of the Presentation of the Virgin Mary is celebrated, or on this very Sunday until midnight, and, as is fitting, have prayed, we likewise grant and bestow upon them, with all our mercy in the Lord, a plenary remission and forgiveness of all their sins. Furthermore, whenever the members of the Sodality are present, whether at the Sacred Offices or other divine services celebrated in the aforementioned chapel, or if they attend the meetings of the same Sodality, whether public or private, they shall receive seven years and forty days [of indulgence]; and whenever they perform any work of charity, we likewise grant them three hundred days of remission from the penances prescribed to them, or in any other way due, according to the usual form of the Church. We also grant that all and each of these indulgences, remissions of sins, and relaxations of penances may also be applied for the souls of the faithful detained in Purgatory, as a form of suffrage. Furthermore, we grant to the officials and members, present and future, of the Arch-Sodality thus established, by our perpetual apostolic authority, the faculty to freely and lawfully aggregate to it any other Sodalities of the same name and of the same Institute, erected or to be erected in the diocese of Cuneo, provided that the form of the aforementioned Constitution, issued by Our predecessor Pope Pius VIII, and all other apostolic ordinances issued above, are observed. To these, we grant all and each of the indulgences, remissions of sins, and relaxations of penances that have been granted or will be granted to the Sodality, now erected by Us into an Arch-Sodality, and they may freely and lawfully communicate these to others. We decree that these present letters shall always remain firm, valid, and effective, and shall have and obtain their full and complete effect, and shall fully benefit those to whom they apply; and it shall be judged and defined, and declared null and void.

[*Latin ed. p. 12*]

12 Acta Apostolicae Sedis - An official commentary is prepared if, in any way, it should happen, whether by authority of any kind, knowingly or

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unknowingly, that something is attempted that is contrary to the foregoing. Notwithstanding any contrary provisions. Given in Rome, near the blessed Peter, under the seal of the Fisherman, on the 14th day of December, 1917, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

IV. A TEMPLE, COMMONLY CALLED "DEL CARMINE MAGGIORE," IS ERECTED IN THE CITY OF NAPLES, WITHIN A SMALLER BASILICA.

BENEDICT XV. For the perpetual memory of the matter.

We strive, following the example of Our Predecessors, the Roman Pontiffs, to adorn the temples of God, which ennoble the faith of the faithful with their ancient religious significance, as well as with historical memories and admirable works of art, with special and honorary titles, so that we may also repay the piety of the faithful who celebrate in these temples with a singular sign of Our will.

Among Italian cities, Naples deserves to be mentioned, among those whose citizens are most devoted to the cult of the Virgin Mother. For this city, from the twelfth century onwards, has been renowned for miracles of the Virgin, with the title "La Bruna," from her color; and this sacred image was carried with them by some hermits of Mount Carmel fleeing the tyranny of the Turks from Syria, and was first presented for public veneration in the small church of St. Nicholas in Bari.

After a century, that is, in the year of the restoration of salvation, 1666, when Queen Margaret of Bavaria arrived in Naples to rescue King Conrad from the house of "Hohenstaufen" from the hands of his enemies, and, having found the unfortunate child already struck down by a terrible death, she gave a large sum of money, indeed a very large sum, to the Carmelites, so that a new temple might arise, like a propitiatory altar, distinguished by its size and adorned with all kinds of works of art.

Meanwhile, the sacred building itself was enriched with another equally remarkable and wondrous image, namely, that of the Holy Cross, whose head, as documents show, was inclined in a singular way in the year 1439 after the birth of Christ, in the city, to avoid a blow of a military torment.

With the increasing devotion of the Christian people, in the Jubilee year of 1500, the sacred image of the Virgin Mother, together with that of the Holy Cross, was brought to this city on a holy pilgrimage and remained exposed in the Patriarchal Basilica of the Vatican. The Roman journey,

[*Latin ed. p. 13*]

The acts of Pope Benedict XV, like a triumphant cry echoing through the ages, recount that he was illuminated by heavenly signs, due to the countless miracles that accompanied the return of the Holy Images, and which occurred before the most pious King Frederick of Aragon. In recent centuries, both kings and sacred prelates, as well as all orders of citizens,

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have experienced the present aid of this image, and have found in this sacred representation the firmest protection. They vied with one another to offer their treasures, so that the temple of the most Holy Virgin Mary might be magnificently adorned. Most recently, the prodigious image was solemnly brought back to our Vatican Chapter in the year one thousand eight hundred and seventy-five, adorned with a golden diadem. And even in these present times, the ardent zeal and piety of the people have not diminished, for every day a frequent multitude of the faithful, of every age, sex, condition, and dignity, celebrate in that same temple, and especially on Thursdays of each week, a large number of pilgrims gather, who intensely venerate their Mother, the Queen of Carmel, either to implore her help and assistance with tears and lamentations, or to offer pious thanks for deliverance from the perils of navigation.

Considering these things, our beloved son, John Mary Lorenzoni, the present vicar general of the Order of Carmelites of the old observance, humbly presented to Us, through the most ample commendation of our beloved son, Joseph, Cardinal Priest of the Holy Roman Church, by apostolic dispensation, the prayers of the Archbishop of Naples, so that We might deign to elevate the Neapolitan temple of the Virgin Mary of Carmel to the dignity of a minor basilica. We, having heard the Most Reverend and Most Noble Lords Cardinals of the Sacred Congregation of Rites, decree and ordain the following:

By Our apostolic authority, by the tenor of these presents, We hereby bestow upon the temple of the Blessed Virgin Mary of Carmel, commonly known as "del Carmine Maggiore," in Naples, the title and dignity of a minor basilica, and We grant to it all the honors and privileges that rightfully belong to the minor basilicas of this most holy city.

We decree that these presents shall always remain valid and effective, and shall fully and completely produce and obtain their intended effects; and that they shall fully benefit those to whom they pertain, now and in the future; and that it shall be rightly judged and determined, and that whatever is done to the contrary by anyone, knowingly or unknowingly, shall be considered void and of no effect.

Notwithstanding any contrary provisions.

Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the eighteenth day of December, in the year one thousand nine hundred and seventeen, in the fourth year of Our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 14*]

14 Acta Apostolicae Sedis - Official Commentary on the LETTER TO JOHN, S.R.E. CARDINAL CSERNOCH, ARCHBISHOP OF STRIGON, AND OTHER BISHOPS OF HUNGARY, WHO SENT COMMON LET-

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TERS TO US FROM THE BUDAPEST ASSEMBLY. Beloved sons and venerable brothers, greetings and the apostolic blessing.

Those letters which you sent to Us in common, from the aforementioned Budapest assembly, have brought Us some solace amidst the great burden of cares and anxieties which, without the most present help of God, We could not endure. For from them it clearly emerges that you are filled with piety and devotion towards this Apostolic See, and that you are grateful for what We have accomplished in the past year for the benefit of the Holy Church and for the salvation of human society.

And with regard to the Code of Canon Law, that immortal work of prudence and diligence owed to Our renowned Predecessor, which We have had the good fortune to promulgate, We wish to commend and impart it especially to the Bishops, so that it may truly serve to strengthen the foundations of ecclesiastical discipline; and in this, We are certainly not lacking in your diligence.

Furthermore, concerning the preaching of the divine word, We are confident that you will take the utmost care to ensure that what We have prescribed is carried out in your dioceses.

We especially welcome your clear expression of goodwill, that We were recently authors of the reconciliation of peace among leaders of peoples at war; all the more so because that document of paternal charity, which the awareness of our apostolic duty, the compassion for common sorrows, and the love for justice and equity, and indeed for public tranquility, suggested to Us, has been, for some, subject to unworthy suspicions. Thus, through the machinations of the most impious sects, the blind fury of the masses is daily incited against the clergy, so that We can now use the words of the Apostle: "We are reviled, and we revile not; we are made manifest, and we are not made manifest; we are persecuted, and we persecute not; we are blasphemed, and we bless: because for Christ's sake we are killed, we are delivered unto death."

Nevertheless, steadfastly, and with the help of divine assistance, We will continue to defend the duties of Our office. In the meantime, let us not cease to humbly pray and earnestly beseech God, that He, "who cannot give peace," may mercifully grant it to us. We hope...

[*Latin ed. p. 15*]

To Our most beloved sons and venerable brothers, and to your clergy and people, we impart, with the greatest affection, the apostolic blessing. Given in Rome, at St. Peter's, on the third day of December, in the year 1917, in the fourth year of Our Pontificate. BENEDICT XV.

TO THE MOST REVEREND ARCHBISHOPS AND BISHOPS OF THE KINGDOM OF BAVARIA: IN RESPONSE TO THEIR COMMON LETTERS ISSUED FROM THE FRISINGEN ASSEMBLY.

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Venerable brothers, greetings and the apostolic blessing.

We thank you from the heart for the common office of letters, by which you have testified to the beginning of the Frisingen assembly, of your fidelity and devotion towards Us. Indeed, this was a source of no small pleasure to Us, or rather, of consolation; for as you see, We are sorely in need of this in these bitter times. For, in addition to the other things by which the long duration of this most grievous war afflicts and troubles Our mind, it is added that Our exhortation, which was indeed undertaken solely from a sincere desire for the public good, has not only had the outcome that we least of all expected, but has also been distorted by wicked men against Us, so that it has become the subject of popular hatred, when it was a testament to Our charity. In this matter, we do not so much lament the injury inflicted upon Us—if indeed we must always be prepared to suffer insults for the sake of Jesus Christ—as we grieve over the loss of so many souls.

But, trusting in the help of Jesus Christ, who will never fail His Church, and imploring Him, as we do, to bring to an end the evils of these times, we strive above all to ensure that holiness of morals and discipline may flourish ever more within the bosom of the Church. To this end pertains, among other things, the recently promulgated Code of Canon Law, and the Encyclical Letter on the preaching of the divine word. Both of these will, with God's help, be made fruitful, especially by the Bishops. In this, we are sure that you, whose pastoral care we know, and who have so graciously signified your gratitude to Us for these very actions, will spare no effort. We invoke the divine graces, which we pray may be bestowed upon you in abundance through the intercession of the Most Holy Mother of God, under whose protection Bavaria is, and at the same time, as a testament of Our paternal benevolence, the apostolic blessing.

[*Latin ed. p. 16*]

16 Acta Apostolicae Sedis - We impart to you, venerable brothers, and to your clergy and people, these most important words. Given in Rome, near St. Peter's, on the tenth day of December, 1917, in the fourth year of Our Pontificate. BENEDICT P. P. XV.

TO ANDREA CARD. FERRARI, ARCHBISHOP OF MILAN, GRANTING HIM THE OFFICE OF GREAT CHANCELLOR WITH CANONICAL JURISDICTION OF THE SACRED COLLEGE, AND TO THE SAME COLLEGE'S PRESIDENT AND DOCTORS, EXPRESSING GRATITUDE FOR MOST USEFUL COMMUNICATIONS.

Beloved sons, health and the apostolic blessing.

As soon as it was permissible, according to custom, you convened in council, and having sent us common letters, you congratulated us on the promulgation of the Code, and you assured us of your zeal and efforts to ensure that the matters and precepts contained in the new Code penetrate

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deeply into the minds of the faithful and govern all aspects of their lives.

We are pleased and gratified: your judgment of the work accomplished by Us is excellent, and worthy of your sacred vocation. Another thing commends the praise of your not ordinary teaching: the other brings the hope of considerable benefits, which are by no means insignificant. For, as you know, the lips of the priest guard knowledge, and the people seek the law from his mouth; who is there who does not see how much those who devote themselves to instructing clerics in the doctrines and canons of the Church can contribute to this, so that the same people not only acquire knowledge of the laws of the Church, but also hold them in force and understand the points of doctrine by which they can be moved and led to obedience? Therefore, add to your undertaking the usefulness of this, and, when the time comes, without any delay. We, having congratulated you from the heart, will pray to God, the helper of good intentions, that He may make your labors bear fruit in every good work.

In the meantime, as a sign of heavenly assistance and a witness of Our benevolence, We impart to you all, and especially to you first, Our beloved sons, the apostolic blessing in the Lord.

Given in Rome, near St. Peter's, on the twentieth day of December, 1917, in the fourth year of Our Pontificate.

BENEDICT P. P. XV.

[*Latin ed. p. 17*]

Sacred Congregation of the Consistory
17

ACTS OF THE SACRED CONGREGATIONS

SACRED CONGREGATION OF THE CONSISTORY

I. DECLARATION REGARDING DANCES

To a certain Ordinary in the United States of America, who inquired, "Whether the dances of which the decree of the Sacred Congregation of the Consistory of March 31, 1916, which the same Sacred Congregation condemned, are ever permitted, or whether they are not included in the condemnation, if they are held during the daytime hours, or only during the early evening hours, and do not last too long, or even if they are held without banquets or in that manner commonly called a 'picnic'": The Sacred Congregation of the Consistory, after due consideration, decided that they are included in the condemnation; therefore, all clerics are to be forbid-

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den from promoting or encouraging them, even with the aforementioned conditions, and if they are promoted by others, they are to be forbidden from participating in them. The Most Holy Lord confirmed this resolution in an audience on November 30th of this year, and ordered that it be published for the information of all to whom it applies.

Given in Rome, from the offices of the Sacred Congregation of the Consistory, on December 10, 1917.

H) $ (C. CARD. DE LAJ, Archbishop of Sabina, Secretary.

L. © S. F. V. Sardi, Archbishop of Caesarea, Assessor.

II. NOTICE

Let it be known that the Reverend Charles Tacchini, from the diocese of Lauretana, and currently residing in the city of Memphis, Tennessee, in the United States of America, has inquired about the offerings and stipends for Masses and oblations for the sanctuary of Lauretana. Let all know that he has no authority in this matter.

ACTA, vol. X, n. 1. — M-918.

2

[*Latin ed. p. 18*]

18 *Acta Apostolicae Sedis* – It is to be noted that this official commentary contains nothing regarding the legitimate erection of the aforementioned Society, nor anything concerning the disbursement of collected alms, as prescribed by the donors, whether to the Holy See or to the Bishop of Lauretum. Therefore, let the faithful beware lest they be deceived.

III. PROVISIONS FOR CHURCHES. By Consistorial Decrees. The Most Holy Pope Benedict XV provided for the following churches, namely:

30 November 1917. – He appointed the Reverend Father Raymond De La Porte, formerly Bishop of Cenomanensem, as the titular bishop of the Berisense episcopal church.

7 December. – He appointed the Reverend William Codd, the parish priest of Blackwater in the same diocese, to the cathedral church of Ferns in Hibernia.

22 December. – He appointed the Reverend Francis Cammárota, the general vicar of the Caputaquense and Vallense dioceses of Asernia and Venafrana, to the cathedral church.

SACRED CONGREGATION FOR BISHOPS.

Regarding Incardination. On 27 January 1917, the following case occurred: A certain priest, having solemnly professed his vows in the

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Order of the Most Holy [Savior], had not been able to endure the burdens of regular life for a longer period. Having found a benevolent and accommodating Ordinary, the Bishop N., he obtained, at the end of the year 1904, an indult from the Sacred Congregation concerning Regular Discipline, which is said to be a perpetual secularization, and, having been dismissed from the habit of the Order, he passed into the diocese of his benevolent recipient. Afterwards, when the Ordinary of a neighboring diocese wished to grant the same priest a certain vacant parish, the aforementioned priest obtained, in the year 1908, formal letters of incardination from his benevolent recipient, upon receiving which...

[*Latin ed. p. 19*]

The Holy Congregation of the Council, having received information from the Ordinary of T., and after examining the Apostolic Datary, granted the bulls for the collation of the aforementioned parochial benefice, which he subsequently took possession of. However, after five years, through an administrative process in accordance with the decree *Maxima cura*, the priest himself was obliged to be removed from the parish; and when he refused to comply with the decree of removal, he was bound by a suspension to the Ordinary of T., until he abandoned not only the parish but also the diocese. Furthermore, the same Ordinary of T., claiming that a formal decree of incardination of the aforementioned priest had never been issued, nor had he taken the oath required for acquiring domicile, although the Ordinary of N. had issued the letters of excardination, asserted, in accordance with the decree *A primis*, dated July 20, 1898, that said excardination had no effect, and therefore ordered that the priest should leave the diocese of T. as soon as possible, which, he testified, he had demanded. Against these measures, the priest removed from the parish lodged an appeal with the Holy Congregation, in which, after deliberation, and with some pension established in favor of the removed parish priest, the decree of removal was finally put in doubt: in the case, does it appear that the priest N. N. was legitimately incardinated in the diocese of T.? These are the arguments presented by the appellant. Or, as the appellant argues, the question raised is improper, according to the common saying, "It is worse to be ejected than not to be admitted." For, the will of both bishops, the excardinating and the incardinating, cannot be questioned, when the peaceful possession of the title by the priest, for at least five years, has abundantly remedied any defects that may have been committed in good faith. Moreover, when the same priest has been removed from the possession of the parish, it is certainly inhumane to add to his affliction by, in addition to the parish, expelling him from the diocese itself.

SYNOPSIS OF THE DISPUTE: But, leaving these matters aside, since the main, indeed the only, argument by which it is contended that legitimate

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incardination is lacking in this case is derived from the neglected double solemnity prescribed in the decree *A primis*, namely, from the lack of a written document by which the incardination should have been effected, and the oath that should have been taken by the one being incardinated, the appellant denies that these very causes are legally valid. Regarding the written document, he first points out that the aforementioned decree only contains the words: "the incardination..."

[*Latin ed. p. 20*]

20 Acta Apostolicae Sedis - Official Commentary: "that [incardination] must be from the Bishop, not merely by word of mouth, but in writing"; and since the form of the writing and other formalities are not prescribed, it seems sufficient that the incardination be established by some written document, from which an undeniable proof of the admission to the clergy can be derived. But in this case, such documents are not lacking; there are not only the letters from the Ordinary of T. to the Ordinary of N., given as a testimony of the incardination of the priest in question, in order that he might be admitted to the clergy of the diocese of T., but also the petition from the Ordinary of T. to the Apostolic Datary, requesting "that [he] would deign to confer the aforementioned benefice upon the same priest, who, having obtained incardination from his Bishop, is incardinated to Ours [the Holy See]; indeed, in the very Apostolic Bull of the collation, it is stated that the parish is conferred upon the priest "duly incardinated in the diocese of T." Therefore, from these complete and juridical written documents, full proof is derived of the fact of the incardination, indeed, of the day and of the manner (properly) in which it was completed; hence, it is also clear that it is established by legal presumption and by the oath taken. Furthermore, with regard to the oath, it seems sufficient to derive it from the tenor of the aforementioned decree A primis, especially from § 4, and by analogy with the celebrated Constitution Speculatores, of Innocent XII, that it is rather required that the cleric should receive the Bishop of ordination, from whom indeed he has not yet received the sacred orders, for a valid admission to the clergy, than for the valid admission to the clergy. Moreover, it is noted in this case that, if anyone should be lacking, the written document of incardination or the oath, the conferral of the parochial benefice made to the recurring priest abundantly suffices; for it is the common opinion that such a conferral implies an incardination, as B. Oietti writes in Synopsis rerum moralium et canonicarum, vol. II, under the word "incardination": "It is noted that incardination is sometimes also made implicitly, when, for example, a cleric is conferred with a benefice in a diocese other than his own, which he accepts, and he goes to the diocese in which the benefice is located, with the permission of his former Bishop." Cf. the cause of Viterbien, apud S. C. E E. et R R. July 14, 1905, from which Cardinal Gennari (ap. Mon. Eccl., XVII, 435) also deduces: "He who re-

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ceives a benefice in some foreign diocese, is thereby implicitly incardinated in that diocese. The benefice is indeed perpetual, and the conferral of it is almost likened to a mystical union with the church of the benefice." But even if it were conceded that the conferral of the parochial benefice did not suffice in this case to compensate for the lack of written incardination, it would always be true that the recurring priest belonged to the diocese of T. For we are dealing with a regular priest who has been secularized; but according to the truer opinion, which is also confirmed by the practice of the Sacred Congregations E E.,

[*Latin ed. p. 21*]

The Holy Congregation of the Council and the Most Reverend Fathers of Religious, who have never considered the decree *A primis* to be applicable to regular clergy, have declared that the aforementioned decree does not pertain to regular clerics. Therefore, for the incardination of a returning priest, a written document was not required, as was established for secular clerics; consequently, oral incardination, indeed, even implied or tacit incardination, which before the decree *A primis* was valid and licit for all clerics indiscriminately, and which was abolished only for secular clerics, now remains entirely valid for regular clerics, as it was before. Therefore, provided that it is established that both Bishops intend to permanently and absolutely dismiss the cleric, and also to permanently and absolutely receive him, the incardination of the Religious, whether oral, implied, or tacit, must be considered entirely valid and to be maintained (cf. *Acta S. Sedis*, vol. 39, page 41). Indeed, in the case in question, as we have seen, not only from the granting of the parochial benefice, but also from the letters mentioned above, it is clear that both Bishops intended to permanently and absolutely dismiss this priest, and also to permanently and absolutely receive him. Therefore, it is certain that this priest belongs to the diocese of T. Finally, it must be noted that the Curia of T., which had previously affirmed in its written letters to the Most Reverend Cardinal Pro-Datary that the priest in question had been properly incardinated into the diocese of T., although it now denies this very fact, is compelled to admit that the aforementioned priest was not validly incardinated due to the fault of the Curia itself, which, contrary to the clear disposition of the law, did not issue a decree of incardination, nor did it administer the oath. However, the fault lies with the one who acted contrary to the law, and he is obligated to make amends for the damages. Indeed, it is clear from chapter 9 of the *De iniuriis et damno dato* (V. 36) that: "If damage has been caused by fault, or if this damage has resulted from your negligence or carelessness, you are obligated to compensate for it by law; nor will ignorance excuse you, if you should have known that your action could reasonably lead to injury or loss." Therefore, it is justly stated: "The judge will condemn the party who was the cause of the nullity, so that the adversary may be made whole, or

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the damage may be repaired by the action of the other party. And this must be done, whether the nullity arises from fraud or is present without fraud" (Thus, Émus Lega, *De iudiciis eccl.*, vol. 1, ed. %, no. 252-8). Therefore, it was justly decreed in the Gregorian Code of Canon Law, article 410: "No one may oppose the validity of an act due to a defect in form, if he himself or others acting in his name have caused the nullity." And in article 411, it is cautioned: "In cases of nullity due to the omission or non-observance of the prescribed form, the judges may order that the act be renewed at the expense of the advocates (i.e., the litigants)... who were obliged to ensure that the act was properly executed; furthermore, they may condemn them, according to the circumstances, to pay damages."

[*Latin ed. p. 22*]

Acta Apostolicae Sedis - Official Commentary: "regarding the restoration of expenses and damages, or even a certain alteration." Therefore, if the Curia admits that it has been at fault in causing the damage, or that the recurring priest's incardination is null due to the omission of certain legal formalities, it necessarily follows that the damage must be compensated by the Curia, and furthermore, if necessary, the omitted formalities must be fulfilled, and the decree of incardination must be completed according to the laudable decree *A primis*. Arguments presented against the recurring priest. The opposing party alleges that the same reasons that led the Curia to remove the recurring priest from his parish should prevent him from remaining in the diocese: namely, the avoidance of scandal and the salvation of souls, which is the supreme law, and to which the greatest attention must be given. These reasons, however, have entirely occurred without any fault of the Curia, indeed, with the greatest regret on its part, and these reasons must be attributed entirely to the recurring priest, and not to others. Since he is the one who has brought about the situation, if the matter has reached this point from which it could not have originated, and indeed, no one would have considered raising this question if he had continued in his duties, it is clear that not only is there nothing uncivil or inhumane in applying the rigor of the law to actions that endanger the salvation of souls, but also that the Curia is not liable for any damage to the priest who was not properly incardinated, and for whom it was incumbent to either properly complete the acts or to appeal in due time; much less can the Curia be compelled, without manifest absurdity, to reinstate that incardination in the present circumstances. However, with regard to the rigor of the law required to prove the validity of the incardination in this case, both the written document of incardination, or the incardination letters themselves, and the legal testimony of the oath taken, must be presented; and since neither of these, as far as can be ascertained, can be produced either by the recurring priest or by the Curia, it is evident. For the incardination, in this case, occurred not before the year 1898, but rather ten years after the

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publication of the decree *A primis*, to whose provisions it was entirely subject; furthermore, the conditions prescribed in article 2 of that decree, namely, that "the incardination must be made by the Bishop, not orally, but in writing, with an oath taken for this purpose," are not merely for proof, but for the solemnity or substance of the act, which, if lacking, would be entirely invalid, as we have established after the decision of the Holy Roman See in London, on January 9, 1912 (A. A. S., IV, 249 ff.) and discussed in the case of Bismarckien and others, January 31, 1913 (A. A. S., V, 34 ff.). Therefore, it is of no avail to present testimonies, even if written, from which, through a certainly uncertain conjecture, it might be argued that a written document existed, since such testimonies are from those who...

[*Latin ed. p. 23*]

The Holy Congregation of Councils, in its decree of the 23rd of [month], which, indeed, does not exclude the possibility of a contrary opinion, nevertheless testifies to the opinion of the author, or refers to the assertion of another, that the proper canonical ordination was duly performed; however, it is absolutely necessary to present the document itself, which alone can provide rigorous and irrefutable proof. Cf. Reiffenst, Vol. II, Title 22, Nos. 282 and 291: "The document itself is required (to prove the act), and witnesses are not sufficient... in acts, in which, by law so providing, the document is required for the substance of the act or contract." Nor does this necessity seem to be sufficiently mitigated by the assertion of an implicit ordination which would have occurred through the collation of a benefice. Indeed, considering the clear difference between the very legal concepts of ordination and the collation of a benefice; and considering also the greater strength of the bond that ordination implies, which absolutely and perpetually binds the cleric to the diocese, while the collation of a benefice only establishes a perpetual bond with the church of the benefice, a bond which can, and in fact is often, dissolved; it does not seem, before an explicit provision of positive law, that ordination is ever contained in the collation of a benefice. Indeed, for a cleric to obtain a benefice in a foreign diocese, it is not necessary that he permanently renounce his own diocese, but the permission of his own bishop is sufficient; in which case the cleric would have two bishops, his own and the one of the diocese of the benefice: which can be clearly deduced from the Constitution *Speculatores*, of Innocent XII. Nor does an explicit provision of positive law sufficiently contradict this, as is not clearly demonstrated by the decision of the Holy See, Episc., and Regul. in Viterbo, which, among other things, concerns an ordination performed in 1871, long before the decree *A primis*, by which such implicit or presumed ordinations, even in the testimony of the opposing party, seem to have been abolished. Again, the aforementioned necessity is not mitigated by the condition of a secularized religious; for these, after the secularization has been completed and the ordination to the diocese of

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the receiving party (in which ordination it is expressly granted that only the conditions prescribed by the Holy See in the rescript on secularization may be maintained, without it being necessary to follow the formalities of the decree *A primis*), are considered entirely as secular clerics, and are subject to the same general and diocesan laws as these. Therefore, when they move from the diocese of the receiving party to another, they must certainly observe the prescriptions of the law; moreover, in this case, it is clear that we are not dealing with a first ordination to the diocese of N., for which the argument of the appellant may be valid, but with an excardination from that diocese and an ordination to the diocese of T., which matter certainly falls under the jurisdiction of the decree *A primis*. Thus far, the arguments of the opposing parties.

[*Latin ed. p. 24*]

Acts of the Apostolic See - Official Commentary. Furthermore, certain observations must be made. Firstly, it must be understood that in this case, we are not dealing with a secular priest, but with a religious man who has solemnly professed vows and has been dispensed from his religious life by an Apostolic rescript. Moreover, when religious men obtain a decree of perpetual secularization, they fall under the immediate jurisdiction of the Holy See; for by their solemn profession, they lose their original status, or that of their originating Bishop, and they do not regain it by any subsequent right, even when they are released from the obedience of their proper religious superior. In this legal condition, since religious men cannot, by common legal provisions, establish a Bishop to whom they can be subject as their proper superior, and they cannot be subject to a Bishop of equal rank (except for a precarium jurisdiction, by reason of residing in that place), those religious men living in the world cannot establish their own subjects; but, with a prior designation of a benevolent receiving Bishop, the Holy See grants permission for the religious man to remain under the authority of that designated Bishop, to whom he must perpetually remain subject. However, this particular subjection does not seem to be able to be lawfully and validly transferred, or redirected, to another, solely by the will of the Bishop and the subject, but the authority of the Holy See must intervene, which, as it was necessary for subjecting the religious man to the jurisdiction of the designated Bishop, must also intervene again in order to remove the same religious man from the jurisdiction of that Bishop and subject him to another. For everything that is gathered together by certain means is dissolved by the same means (Reg. 1 iuris in VI). The argument appears to be even more forcefully urged if one considers that, through the grant of secularization, the religious man is not fundamentally, but accidentally, removed from the obedience of his religious superior; for the vows remain intact in substance, and the rescript only grants the possibility of remaining outside the cloister, with the clause "provided that the essential obligations

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of the vows are observed, as far as possible." Hence, since the substance of the vow of obedience remains intact, the secularized religious man is subject to the benevolent receiving Bishop "also in virtue of the solemn obligation of the vow," as stated in the rescript; which, since it is not due to the local Bishop by ordinary right, but by delegated right (because the secularized religious man is immediately subject to the jurisdiction of the Holy See), does not seem to be able to be transferred to another Bishop without the order of the Holy See. RESOLUTION. - Furthermore, in the general meeting of the Most Holy General Council held in the Apostolic Palace at the Vatican on January 27, 1917, concerning the aforementioned doubt, namely: "Whether it is the case of a legitimate incardination of the priest N. N. in the diocese of T."

[*Latin ed. p. 25*]

The Most Holy Congregation of the Council, having considered, judged it fitting to respond as follows: Regarding the matter: "The priest N. N., being a religious perpetually secularized, remains under the jurisdiction of the benevolent receiving Bishop; nevertheless, the Ordinary T. shall continue to grant him the assigned pension; so let it be done." Having received a report on the aforementioned matter from the Most Reverend Lord Benedict, Divine Providence, Pope XV, through the undersigned Secretary of the Holy Congregation, in a hearing on the 28th day of the same month and year, His Holiness deigned to approve and confirm the resolution of the Most Reverend Fathers. I. MORI, Secretary.

SACRED CONGREGATION OF RITES

AT FERENTINO

DOUBTS

Dominic Bianconi, Bishop of Ferentino, humbly requested a solution to the following doubts from the Sacred Congregation of Rites:

I. In the solemn blessing with the Most Holy Eucharist, can two deacons wearing dalmatics, and a priest wearing a stole, minister in place of the deacon and subdeacon, according to the *Caeremoniale Episcoporum*, book 2, chapter 33, paragraph 8, Decree of the Sacred Congregation of Rites, number 3728, of Monreale, May 10, 1890, concerning the third matter, and another decree concerning certain ceremonies to be observed in the presence of or with the participation of the Bishop, of February 8, 1913, concerning the second matter, even if said solemn blessing is not given immediately after the procession with the same most august Sacrament, or after the Pontifical Vespers?

II. If the deacon and subdeacon, according to custom, minister in the

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same function, can two deacons wearing dalmatics and a priest wearing a stole also assist them, according to the aforementioned Decrees of the Sacred Congregation of Rites, even if the same blessing with the Most Holy Sacrament does not immediately follow the Pontifical Mass?

[*Latin ed. p. 26*]

Acts of the Apostolic See - Official Commentary 26. And the Sacred Congregation itself, after hearing the opinion of a special Commission, decided that the following answers should be given to the questions posed: Regarding 1. Affirmative, if a custom exists, with the Decree No. 4080 of June 9, 1899, regarding the wearing of the stole beneath the dalmatic by a more distinguished Deacon, being observed. Regarding I, item i. Negative. And thus it responded and declared, on November 23, 1917. ffa A. CARD. VICO, Archbishop of Porto and Santa Rufina, & Reverend Father Prefect. Alexander Verde, Secretary.

DECREE FOR THE WHOLE WORLD

CONCERNING THE ELEVATION OF THE RITE TO DOUBLE CLASS I, on March 19, of Saint Joseph, Spouse of the Blessed Virgin Mary, and on September 29, on the Feast of the Dedication of Saint Michael the Archangel.

Since, according to Canon No. 1267 § 1, already in force, of the Code of Canon Law, the Feast of Saint Joseph, Spouse of the Blessed Virgin Mary, is also included among the feasts of precept, which it is most fitting to adorn with a more solemn rite, and since also the Feast of the Dedication of Saint Michael the Archangel, with whom the heavenly Prince honors all choirs of angels, has been deemed worthy of the same solemnity, the Most Holy Pope Benedict XV, readily complying with the supplications of the clergy and the faithful, after being informed by the Cardinal Prefect of the Sacred Congregation of Rites, graciously elevated both feasts, the primary feasts of March 19 and September 29, throughout the entire Church, from the rite of double class II to the higher rite of double class I, without an octave; and He ordered and decreed that both feasts, under the rite of double class I with the following variations, should be included in future editions of the Roman Breviary; the rubrics being observed:

In the Calendar:

March 19 - Saint Joseph, Spouse of the B.V.M., Double of Class I.

September 29 - Dedication of Saint Michael the Archangel, Double of Class I.

[*Latin ed. p. 27*]

The Holy Congregation of Rites, in the Catalogue of Feasts, Class I, Double: After the Feast of the Assumption of the Blessed Virgin Mary, the Feast

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of the Dedication of Saint Michael the Archangel shall be placed. After the Feast of the Nativity of Saint John the Baptist, the Feast of Saint Joseph, Spouse of the Blessed Virgin Mary, shall be placed. In the Catalogue of Feasts, Class II, Doubles: The Feasts of the Dedication of Saint Michael the Archangel and of Saint Joseph are to be removed from the Breviary. On the 18th of March, at the end, the rubric for the Vespers shall be: Vespers of the following day, a Commemoration only of the Feria. After the title of the Feast, the following shall be placed: Double of Class I. On the 19th of March: In the First Vespers, the rubric "And a Commemoration of the preceding [feast] is made" is to be removed. On the 29th of September: After the title of the Feast, the following shall be placed: Double of Class I. Contrary to whatever may be. On the 12th of December, 1917. [Signature] A. CARD. VICO, Archbishop of Porto and Saint Ruf, Sacred Roman Rota, Pro-Prefect. H. * Saint Alexander Verde, Secretary.

[*Latin ed. p. 28*]

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ACTS OF THE SACRED APOSTOLIC PENITENTIARY TRIBUNAL

SECTION ON INDULGENCES

I. INDULGENCES ARE GRANTED TO THOSE WHO RECITE THE FOLLOWING DEVOTIONS IN HONOR OF ST. PASCHAL BAYLON:

Response:

"O Paschal, most admirable,
Who, shining brightly with virtues
And numerous miracles,
Bestowed heavenly gifts,
Be present to us, we beseech you,
Grant us your help:
And, we implore, remove
What we ask, add to it.
May we be rightly seated
At the table prepared in heaven,
That we may draw from it
Strength and sustenance.
Be present to us, etc.
Glory to the Father, and to the Son,
And to the Holy Spirit.
Be present to us, etc.

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f. Pray for us, blessed Paschal.

R. That we may be made worthy of the promises of Christ.

LET US PRAY.

"O God, who adorned your blessed Paschal, your Confessor, with wondrous love for the sacred mysteries of your Body and Blood: mercifully grant that, as he received the same grace through this divine communion, so may we also deserve to receive it. Who lives and reigns world without end.

R. Amen."

[*Latin ed. p. 29*]

Apostolic Penitentiary, August 3, 1917. His Holiness, Pope Benedict XV, in an audience granted to the undersigned Cardinal Penitentiary Major, deigned graciously to concede an indulgence of three hundred days, to be gained once a day, to all and each of the Christian faithful who, at least with a contrite heart, have recited the aforementioned responsory with its verse and prayer; and to those who have completed these same prayers throughout the entire month, a plenary indulgence, to be gained only once, if, having confessed and received Holy Communion, they have piously prayed according to the mind of the Supreme Pontiff; these indulgences have also been declared to be applicable to the souls suffering in Purgatory. This decree is valid forever, without any brief being required, notwithstanding all contrary provisions.

William L. M. Cardinal Van Rossum, Penitentiary Major.

Rev. F. Borgongini-Duca, Secretary.

A CERTAIN ACT OF ADORATION TOWARD THE LORD JESUS CHRIST, REWARDED WITH INDULGENCES. (From the testament of St. Francis of Assisi)

"We adore you, most holy Lord Jesus Christ, here and in all your Churches, which are throughout the world, and we bless you; because through your most holy Cross you have redeemed the world."

August 3, 1917. His Holiness, Pope Benedict XV, in an audience granted to the undersigned Cardinal Penitentiary Major, deigned graciously to concede an indulgence of seven years and as many quarantines to all Christian faithful who, at least with a contrite heart, have performed the aforementioned act of adoration, kneeling with bowed heads, whether entering or leaving a church or a public or semi-public oratory, at any time; and to those who, having confessed and received Holy Communion, have performed this act for the entire month, at least once a day, a plenary indulgence has been granted. These indulgences have also been declared to be applicable to the souls suffering in Purgatory. This decree is valid forever,

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without any brief being required, notwithstanding all contrary provisions.

William M. Cardinal Van Rossum, Penitentiary Major.

Rev. F. Borgongini-Duca, Secretary.

[*Latin ed. p. 30*]

Acts of the Apostolic See - Official Commentary 30. A GRANT OF ONE HUNDRED DAYS OF INDULGENCE IS CONFERRED UPON PRIESTS WHO RECITING A CERTAIN PRAYER AFTER MASS. The prayer is addressed to the Saint in whose honor the Mass was celebrated. "Holy N., in whose honor I have offered the sacrifice of the Body and Blood of Christ, grant, through your powerful intercession with God, that, through the use of this mystery, I may attain the merits of the Passion and Death of our Savior Christ, and that, through frequent participation in it, the effects of my salvation may continually increase. Amen." On November 16, 1917, His Holiness Pope Benedict, of blessed memory, in the fifteenth year of his pontificate, having granted an audience to the undersigned Cardinal Penitentiary Major, benignly granted to all and each priest who, after the celebration of the Holy Mass, shall recite the aforementioned prayer addressed to the Saint in whose honor the Mass was celebrated, an indulgence of one hundred days, applicable to the souls of living Christian faithful in Gottesgnaden, to be gained once a day. This grant is valid forever, without any brief being required, in contravention to anything to the contrary. WILLIAM M. CARD. VAN ROSSUM, Major Penitentiary. L. S. F. Borgongini-Duca, Secretary. IV. DECREES. DOUBTS ARE RESOLVED REGARDING THE PIOUS EXERCISE OF THE VIA CRUCIS AND THE INDULGENCES ANNEXED TO IT, AND HOW TO RITEFULLY OBTAIN THEM. After, on July 24, 1912, the Sacred Congregation of the Holy Office promulgated the Decree concerning the Indulgences annexed to the pious exercise of the Via Crucis, certain doubts arose, which were proposed to the Sacred Apostolic Penitentiary Tribunal to be resolved, namely: I. Whether the aforementioned Decree also abrogates the pious Unions and pious Exercises of the "Perpetual Via Crucis" and the "Living Via Crucis," together with the indulgences that are respectively attached to them?

[*Latin ed. p. 31*]

The Sacred Penitentiary [Office] of the Apostolic See, on the 31st of [month], concerning:

I. Whether the abrogation of the crowns, which are called "Crowns of the Way of the Cross," and of any concession pertaining to them, extends also to those Crowns of the Way of the Cross which, before the Decree of Abrogation, had been lawfully blessed, enriched with indulgences, and already distributed to the faithful?

II. Whether, by the same Decree, the use of crosses or crucifixes, to which, through special faculties granted to anyone, indulgences of the Way of

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the Cross had been attached, is considered abolished, so that even those who are not hindered by any impediment may obtain them through the proper performance of the exercise; and whether such crosses and crucifixes, which have already been blessed and distributed, will in the future be valid only for obtaining indulgences in the case of a legitimate impediment?

III. Whether, in the use of crucifixes with indulgences of the Way of the Cross lawfully attached, for obtaining indulgences, meditation of the Passion of Our Lord is required, or at least a pious remembrance of it; whether the mere recitation of set prayers is sufficient, namely, twenty "Our Fathers" with as many "Hail, Marys," and "Glories"?

IV. Whether, by the aforementioned Decree, the Indulgences have also been abolished, by which to confessors or others, the faculty has been granted to change the prayers prescribed in other pious works for those impeded?

V. Whether, by the same Decree, those concessions have also been abolished, by which it is permitted, in each station duly visited, for a multitude of the faithful to remain in their place, and there to rise and kneel only for each station?

And the Sacred Penitentiary judged that the following answers should be given:

To I: Negatively.

To II: Affirmatively.

To III: Affirmatively, regarding both parts.

To IV: Affirmatively, regarding the first part; Negatively, regarding the second.

To V: Negatively, provided that the use of the blessed crucifix is not omitted, and at least some pious remembrance of the Passion of Our Lord is added.

To VI: Negatively, if it concerns a public exercise in the church, which is performed in common by a multitude of the faithful.

These answers, having been reported in an audience on the 7th of December of the present year by the undersigned Cardinal Penitentiary Major, were approved by His Most Holy Lordship, N. Benedict, of Divine Providence, Pope, XV, and He deigned to order them to be made public, notwithstanding anything to the contrary.

Given at Rome, in the Sacred Penitentiary, on the 14th of December, 1917.

WILLIAM H. S. ..... M. CARD. VAN ROSSUM, Penitentiary Major.

F. Borgongini-Duca, Secretary of the Sacred Penitentiary.

[*Latin ed. p. 32*]

Acta Apostolicae Sedis - Official Commentary 32, SAGRA, ROMA,

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ROTA PORTUENSI, and SANCTAE RUFINAE. During the pontificate of Pope Benedict XV, in the third year of his dominion, on the 7th of May, 1917, the Most Reverend Fathers, Portuen, and the legitimate procurator of the Collegiate Church of Castemuovo, Reverend Father Sincero, presented to the Sacred Roman Rota, the Auditors Seraphinus Many, of Turno, in the cause of Sanctae Rufinae, concerning the administration of justice, where the Reverend Prior, John, and Aloysius Torelium, defended the Most Holy Roman Church; and Henry Bartoccini, representing the advocate, the archpriest, Benvignati, of Porto, presented his own rights. On the 3rd of August, in the year 1912, the Sacred Congregation of the Council rendered a judgment, by which it ordered that the common mass be restored between the canons of the Collegiate Church of Castelnuovo di Porto and the archpriest, which had been dissolved, on account of the execution of Italian laws concerning the confiscation and conversion of ecclesiastical assets; the Sacred Congregation added, according to the decree *Ad dirimendas*, of the 22nd of February, 1876, that the annual portion to be paid to the archpriest from the new common mass should not be less than the amount that he had previously received from the confiscated goods. The execution of this judgment gave rise to many difficulties and controversies between the Chapter and the archpriest; since these could not be peacefully resolved, the Eminent Secretary of the Congregation Consistorialis, after reporting the matter to the Most Holy Pope, ordered, by letters dated the 20th of December, in the year 1914, that the controversy be resolved, observing the order of law, that is to say, that the Eminent Ordinary of Portuensi should first decide the matter, reserving the right of appeal according to the rules of common law. Therefore, on the 10th of December, in the year 1915, the Most Reverend Doctor Calogerus Licata, a judge delegated by the Eminent Ordinary of Portuensi, rendered a judgment, by which he decreed: 1. That the Chapter and the archpriest should proceed to the restoration of the common mass, sharing equally all the revenues of the Collegiate Church; 2. That from the total amount, the sum of 2772.12 livres, which the archpriest had previously received from the confiscated goods, should first be deducted in favor of the archpriest; 3. That the remaining portion should be divided among the four canons, thus...

[*Latin ed. p. 33*]

1. That each one might receive the sum of thirteen thousand eight hundred and sixty livres; and finally, if anything remained, that it might again be divided between the archpriest and the four canons, according to the norms of the Constitutions;

2. That the treasurer of the Chapter, namely, Canon Pacini, should deliver the revenues of the two vacant canonries (for at that time there were two canonries vacant) to the Curia, and that the archpriest should restore the

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revenues of the canonry called "Antonelli," and of the chaplaincy called "de Angelis."

3. That the archpriest should deliver one-fourth of his entire parochial portion to the Curia for the "sacristan" and the sacristy;

4. Finally, that the administration of the goods should be in the hands of the archpriest for the parochial portion remaining from the treasury, and in the hands of the treasurer for the other goods of the Collegiate Church, with an annual accounting to be rendered by both.

Against this judgment, which they considered to be burdensome, the canons appealed to the Sacred Roman Rota on December 24, 1915. However, since they had not taken any legal action throughout the year 1916 to pursue the appeal, the archpriest petitioned the Advocate, so that the appeal might be declared abandoned, according to common law. And indeed, the Advocate did so, by his decree of February 5, 1917, in which he declared the aforementioned appeal to be abandoned, and therefore the judgment rendered by the Reverend Monsignor Calogero Licata on December 10, 1915, had become final.

However, the canons appealed against this decree of the Advocate to the Turn, alleging that they had just impediments that prevented them from pursuing the appeal in the year 1916. The Advocate admitted this appeal on March 7, and ordered it to be treated through a Memorial, under this question: Whether the decree regarding the abandoned appeal of February 5, 1917, can be maintained.

With regard to the law, the matter of deadlines or fatal periods for pursuing an appeal is discussed in chapter 5 of the Roman Code, "De appellationibus," and in Clementine, "Sicut appellationem," 3, of the same title. From these legal sources, the jurists conclude that appellants are given a one-year period to pursue their appeal, and if they have been detained by a just impediment, a period of two years; this term of one year or two years runs from the date of the interposed appeal. Cf. Scaccia, "De appellationibus," question 15, numbers 27-28; Reiffenstuel, in "tit. De appellationibus," numbers 169-183; Schmalzgrueber, in the same title, numbers 79-85, etc.

As for the impediment to pursuing an appeal, it often occurs in six ways, as explained by the aforementioned jurists, especially Scaccia, in the cited place, numbers 44 and following. It can arise from the part of the appellant himself, e.g., due to lack of funds or infirmity; or from the part of the appellee, who deliberately obstructs the appeal from reaching its conclusion; or from the part of both, namely, the appellant and the appellee, who, by mutual consent, according to the norms of Constitution Clementine ACTA, Title X, number 1. — M-9I8. 3.

[*Latin ed. p. 34*]

34 Acta Apostolicae Sedis - Official Commentary, Volume 4, Regard-

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ing Appeals, concerning the circumstances under which an appeal may be deferred; it can also arise from the judge, who, for example, may refuse to grant an extension, or from a third party, for example, a procurator, whose negligence causes the prosecution of the appeal to be delayed, or finally, from a fortuitous event. Scaccia, in the aforementioned passage, examines each of these impediments to determine whether and to what extent they can justify granting a two-year extension. However, when these impediments exist, they are not presumed; rather, they must be proven by the party alleging them. Regarding this, Schmalzgrueber states in the aforementioned passage, no. 84: "When such an impediment consists in a fact, and depends on the truth of that fact, it should not be presumed, but must be entirely, fully, and clearly proven by the appellant, as can be gathered from chapter 8 of this title, where it is stated: 'Unless it is established, and clearly demonstrated, chapter 5 of this title.' Indeed, in this chapter, concerning *Cum sit Romana*, it is explicitly stated that another year will not be granted unless there is a necessary and evident reason. Therefore, the aforementioned authors, Scaccia, Reiffenstuel, and Schmalzgrueber, conclude that it is not sufficient to simply prove the impediment; rather, the appellant must prove that he has exercised due diligence to remove the impediment. Thus, Schmalzgrueber states, no. 85: "It is not sufficient to simply prove the impediment, but it is also required that the appellant prove that he has exercised due diligence to remove the impediment and to pursue the appeal, because only then is he considered to be hindered by a just and necessary cause; otherwise, he who can easily remove the impediment, and does not remove it, is not considered to be hindered, but rather 'willing to endure'." Similar statements are found in Scaccia, in the aforementioned passage, no. 156 et seq.; Reiffenstuel, in the aforementioned passage, no. 177, and others. It should be noted, from the aforementioned Clementine text, that the appellant must, within the aforementioned one-year period, not only pursue, but also complete the appeal. Regarding this aspect, concerning the completion of the appeal, the one-year period is not observed, nor can it be observed, in the higher tribunals, nor in the Sacred Roman Rota; for these tribunals are so burdened with cases and matters that they can never complete appeals within a year; and this impediment, from the judge's perspective, is not imputable to the appellant and does not harm him. Therefore, in these tribunals, the one-year period is observed only with regard to the initial part, which pertains to the appellant himself, namely, the prosecution of the appeal; indeed, with regard to this part, the Sacred Roman Rota, concerning appeals against its judgments, has restricted the period to six months, as is evident from § 236 of the Regulations of the Sacred Roman Rota, no. 3. Thus, it is clear that the intention of the Sacred Roman Rota is that, in all appeals, the appellant should, as soon as possible, expedite the appeal as much as he can, so that

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the prosecution is not delayed by this provision.

[*Latin ed. p. 35*]

35. Concerning the facts. It is established by the facts that the canons, as mentioned, who appealed the judgment of the first instance on December 24, 1915, did absolutely nothing to pursue the appeal during the year 1916; for they did not appoint a procurator before the Sacred Roman Rota, nor did they present any petition to obtain the citation of the opposing party, nor did they request any delay. The procurator for the canons, in the present incidental case, alleges three impediments that prevented the canons from pursuing the appeal; these must be examined separately. The first impediment is based on the facts of both parties involved in the litigation, namely, on the attempted settlement, according to the advice of the Curia; which the procurator explains as follows: "Firstly, the cause was, with the advice of the Curia, engaged in negotiations for an amicable settlement of the matter; and while these negotiations were pending, each party could not even think of pursuing the litigation, but rather, they would have done nothing for the Superior and for his advice." However, with regard to attempts at conciliation, the law does not recognize them as a legitimate impediment, unless there is a compromise, by which, with the mutual consent of both parties, they submit the matter to arbitrators to settle the dispute; which is expressly stated in chapter *Quamdiu*, 4, *De appellationibus*, in the *Clementines*, where we read: "As long as the prosecution of the appeal is postponed by a compromise, or by the express consent of the parties, we do not wish the time prescribed by law or by man to run for the appellant." The authors interpret this so strictly that, for the impediment to be legitimate, they require not only that the compromise must have been concluded by both parties, but also that it must have been accepted by the arbitrators themselves; thus Scaccia, in the aforementioned passage, n. 113. Indeed, if, for the legitimacy of the impediment, it were sufficient that one party, outside of a compromise, negotiated with the Curia, or otherwise, for a settlement of the dispute, the concord could be prolonged indefinitely, and thus the appeal would remain suspended without end. Furthermore, in this specific case, there was never a mutual agreement between the parties for a compromise to submit the matter to arbitrators, or to the Curia, for the settlement of the dispute; but rather, one party, and then the other, acted before the Curia, in order to propose this concord. Thus, on September 21 of the year 1916, the Reverend Archpriest Bartoccini presented a draft of a concord to the Curia, for the information of the Curia; which draft remained in the archives of the Curia throughout the year 1916. At times, the Curia itself made certain proposals for concord to one party or the other. But, in the records, there is no trace of a true and legitimate compromise. In the aforementioned *Clementines*, *Quamdiu*, it is also stated that, if both parties involved in the litigation agree in any

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other way (other than a compromise), with express consent, to postpone the prosecution of the appeal, the time prescribed for this purpose does not run for the litigant.

[*Latin ed. p. 36*]

36 Acta Apostolicae Sedis - Official Commentary. However, from the records, it is in no way established that the canons and the archpriest, in the first year that elapsed since the interposed appeal, ever expressly agreed among themselves to postpone the appeal; for such an agreement is no indication in the records. Therefore, the first impediment alleged by the canons must be rejected. The second impediment is alleged by the Procurator of the canons, on behalf of the canons themselves, namely, on the part of Canon Menichelli, infirmity of action due to old age, and, on the part of Canon Pacini, infirmity of action, because he was called to military service in July of 1916; at that time, says the Procurator, "he was left with barely two hours, in the evening, and not every day: and during those two hours, being tired from labor, and having to provide for his sustenance, he lacked the time and strength to do anything for the pending litigation." However, neither is this second impediment legitimate; for Canon Pacini, for six or seven of the first months of 1916, was in no way impeded; and for the remaining five or six months, although he had been called to military service, he was indeed impeded in part, but not entirely; as the archpriest states: "Canon Pacini was incorporated into the medical corps, and has been providing service in Rome ever since, in the barracks, now the Regina Margherita Hospital in Prati; almost every holiday, he spends the second part of the day in Castelnuovo di Porto, where he has already spent two leaves, one of four days, and another of twelve days." Therefore, Canon Pacini was certainly, during those five months, unable to do much or difficult work for the prosecution of the appeal, but he could certainly do some things, e.g., present a request for the citation of the other party, request a delay, appoint a procurator, as he did in this incidental matter, or, as he had intended, request a gratuitous advocate, etc. The Procurator of the canons alleges a third impediment, or rather, a third reason why the appeal should be retained, namely, the vacancy of two canonries; for since the Chapter, of which we are speaking, consists, besides the archpriest, of four canons, one of the canonries was vacant from the beginning of 1915, when the proceedings began; and in February of the same year, Canon Picchietti died, so that the Chapter was reduced to two canons besides the archpriest; and with these two canonries vacant, a defender was not appointed in the proceedings; and therefore, whatever may be said about the legitimacy of this process, says the same Procurator, at least the appeal must be retained, so that these two canonries do not remain perpetually unfilled. However, neither can this third reason be admitted. For, as everyone knows, in the Chapter, even when the majority of the canons have died, or have been

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dispersed by exile or public disturbances, or are subject to censures,

[*Latin ed. p. 37*]

The Roman Rota, and other similar impediments, may be entirely reduced, so that only two, or even one, remain; in which case, all the rights of the Chapter, namely, the power to elect, to administer, etc., are vested in the two, or even the one, remaining member. This was already provided for by Roman law, as is evident from *L. Sicut, 7, D.* and *Quod cuiuscumque universitatis, III, IV*: "If a university is reduced to one, it is admitted that he can convene and be convened, since the right of all is reduced to one, and the name of the university remains." Therefore, although, according to Roman law, as stated in *L. Neratius, 85, De verborum significationibus, L., 16*, three are required for a college, or university, the right nevertheless remains with one. Furthermore, this arrangement is entirely accepted in canon law, as is evident from the jurisprudence of the Roman tribunals and Congregations. Thus, in a case where a Chapter legally possessed the power to grant dispensations, and only one canon was present, the Sacred Congregation of the Council held that this one canon could still exercise the rights of the Chapter to grant dispensations, as reported by Fagnan, in *His quae, 11, De maioritate, n. 62-63*. Similarly, when in several dioceses of Ireland, the Chapter had been reduced to one canon, the same Congregation held that this one canon could elect a vicarious of the Chapter, provided he did not elect himself, as reported in the *Acta S. Sedis, t. 24, p. 516*. Also, on several occasions, the Sacred Rota, for example, in *Maioricen. - Beneficii, diei 29 martii 1700, coram Muto*, has held the same. And this is the most common, indeed unanimous, teaching of the Doctors, for example, Petra, *In Constitut. I S. Leonis Magni, sect. II, n. 32-33*; De Luca, *De Praeeminentiis, disc. 17, n. 7; et De Beneficiis, disc. 23, n. 9; et Ad Concilium Tridentinum, dise. 31, num. 4, et disc. 43, n. 24-25; Fagnan, *loc. cit.*, and in *cap. Nullus, 1, De Electione, n. 30*; Pirhing, *in tit. De Electione, n. 12*; Barbosa, *De officio et potestate parochi, Pars I, cap. % num. 28*; Ceccoperius, *Lucubrationes canonicae, lib. IV, tit. II, n. 20-22*, etc. The last-mentioned author states: "Although a Chapter cannot be established from the beginning by one person, if it is nevertheless reduced to one, it can still retain its name, not because one person is the Chapter, but because the privileges and rights of the Chapter devolve upon that one person, who in that case is considered as representing the many... The same applies to all canons, whether private, or suspended, or interdicted, or excommunicated, or mortally sinful, except for one." Therefore, in a specific case, even if the Chapter had been reduced to two canons, these two could exercise all the rights of the Chapter, and could also convene and be convened, as we heard from the cited Roman law, without it being necessary to appoint a special defender; for the two canons in question knew and defended the rights of the two vacant canonries best, since those rights were, as it were, their

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own rights. Therefore, it cannot be admitted that a third impediment was alleged on behalf of the canons' procurator.

[*Latin ed. p. 38*]

Acts of the Apostolic See - Official Commentary 38. Therefore, in particular, if those appealing, having initiated an appeal through a first appeal, have done nothing to pursue said appeal, and if they cannot be excused by any canonical impediment or reason whatsoever, it is undoubtedly to be declared abandoned, according to the norms and principles mentioned in the exposition of the law. Having therefore considered and carefully examined all these matters, both in law and in fact, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, declare and by this interlocutory judgment decide that the appeal, which the undersigned canons, against the sentence pronounced by the Most Reverend Monsignor Calogero Licata, presented on December 24th of the year 1915, is abandoned, and therefore the decree of February 5th, 1917, concerning the abandoned appeal, is to be upheld; and to the proposed question, we respond: Affirmative. Furthermore, We decree that the judicial expenses are to be borne equally by the parties. Thus We pronounce, ordering the Ordinary authorities of the places and the officials of the tribunals to whom it pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the norms of the Sacred Canons, and especially chapter 3, session XXV, concerning reforms, of the Council of Trent, employing the executive and coercive means that may be more suitable and effective for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on May 7th, 1917.

Seraphinus Many, Prefect.

Johannes Prior.

Aloysius Sincero.

L.S.

From the Chancery, May 15th, 1917.

Sac. T. Tani, Notary.

[*Latin ed. p. 39*]

SUPREME SIGNATURE TRIBUNAL, MANILA. REGARDING THE DECREE TO BE EXECUTED PRO TEMPORE. On April 28, 1917, during the ordinary session of the Congregation, Most Holy Trinity, held in the offices of the Most Reverend and Most Reverend Monsignor, Prefect, on April 28, 1917, with the participation of the Reverend Father Secretary, several Reverend Referendaries, and the parish priest of Candaba, the cause of Manila was being considered. The Legate of Pius, having been deprived of his office according to canon law, was present. After a thorough examination of the declaration of law and other documents pertaining to Pius, and after the votes and incidental recourse of the procurator of Turno, which

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was interposed on March 27, 1917, for the nullity or circumscription of the aforementioned sentence, after mature deliberation by all the Most Reverend Prelates, a decree was issued to the recourse from the Most Reverend Prefect, based on canon 40 of the Decretals, which states: "The recourse is to be rejected." The decision of the Most Reverend Prefect was added to the decree, and the decision itself is of the following tenor:

I. In the Holy Roman Rota, before the second Turno, with the Reverend Father Rossetti as Auditor, the cause of the Legate of Pius is pending between the Province of the Most Holy Name of Jesus, Order of Eremites of Saint Augustine, and the parish priest of Candaba, in the diocese of Manila, concerning the ownership of certain properties which were bequeathed in 1679 by the pious testatrix Lucia Gumamela, to the Province and to the Convent of Saint Andrew in Candaba, so that certain expenses for Masses might be paid from the revenues. Since, in the year 1898, the Regular clergy were forced to abandon their churches and the care of souls, and secular priests were appointed in their place, Vincent Lapus, who was appointed as parish priest in the church of Saint Andrew in the town of Candaba, claimed that the ownership of the aforementioned properties should be transferred to him by the Religious, and for this purpose, he brought a case before the Archbishop of Manila. He obtained a judgment on August 14, 1908, against which the Religious appealed to the neighboring Bishop; however, since the Province's procurator had omitted certain actions necessary to pursue the appeal, the appeal was declared to be time-barred. However, since the Religious appealed to the Holy Roman Rota, the decision of the Rota, before the Most Reverend Father Sebastiani, Dean, given on February 7, 1916 (Acta Ap. Sed., VIII, 275 ss.), defined "that a place..."

[*Latin ed. p. 40*]

40. Acta Apostolicae Sedis – The Official Commentary thereof, in favor of the complete restitution and the adjudication of the disputed properties, awarded the property to the Regular Province. 2. The procurator of the parish of *casus* interposed an appeal to the second Turno, and the Dean of the Sacred Auditorium admitted it by decree of April 17, 1916. However, on May 1st of the same year, the second Turno invited the parties to reach an agreement regarding the disputed matters. The procurator of the parish, although repeatedly summoned, did not appear, until, on January 12, 1917, the Turno, by decree *ex officio*, declared: "Considering the current circumstances of civil society, it is not possible to proceed with the appeal, according to Reg. Rot. 236, n. 2, but the appeal itself must be seriously pursued"; therefore, after assigning a two-month period to effectively complete the proceedings, it warned that "if these [two months] should pass without result, the provisional sentence appealed will be subject to execution, with the legally required safeguards." However, since, after one month, it had become clear that no progress had been made and would be

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made, and especially due to the new request for a longer extension from the procurator, on February 22, 1917, the Turno, by a new decree *ex officio*, ordered the postponement of the discussion of the case indefinitely, and ordered that the appealed sentence, provisionally and with the necessary precautions, be enforced in favor of the Religious Province; this decree of the Turno was confirmed by an incidental sentence of the Turno, on March 27, 1917, in accordance with canon 20 of the Proper Law and Reg. Rot. 83. The procurator of the parish interposed a recourse to this Supreme Tribunal against this incidental sentence, requesting that the aforementioned sentence be declared null and void, or amended, or rescinded. 3. The primary and most important argument of the recourse concerns the procedure by which the sentence was issued, and it is presented as follows. According to Article 82 of the Regulations governing the Sacred Roman Rota: "Against decrees issued by the Ponens, an appeal lies to the Turno"; however, in this case, the Turno declared the decree of the Ponens to be unappealable, and only received a recourse against it. Although this appears to be entirely in accordance with canon 20 of the Proper Law and Article 83 of the Regulations – for canon 20 states: "Whenever in the Sacred Roman Rota a question arises concerning the provisional execution... the matter must be definitively decided by the President of the Turno in an unappealable sentence," and Article 83 adds: "with the right of recourse to the Turno, in order to ascertain whether the Ponens has exceeded his authority" – nevertheless, the appellant argues that these norms did not apply in this case, because canon 20 of the Proper Law, while limiting its scope to certain cases, namely "whenever a question arises concerning the provisional execution of any sentence or concerning the prohibition of execution," seems to indicate that the rule is valid when execution has already been decreed, and only the question arises as to the manner of execution, or the non-execution. However, this difficulty completely disappears upon inspection...

[*Latin ed. p. 41*]

The Supreme Signatura Apostolica Tribunal, in text 41 of register 83, which is a declaratory canon 20 of the Leges Privatae: for it is written in this canon that it also applies "in the case in which the judge prescribes a 'provisional' execution," that is to say, when the question concerns the execution itself, and not merely its manner, to be determined. And when the words of the law are so clear, it is certainly not permissible to give a contrary interpretation.

4. The other arguments presented in the appeal pertain rather to the merits of the sentence appealed. Indeed, when Turnus, in accordance with register 83, merely stated: "Whether the judge has exceeded his authority," and gave a negative answer to this question, the appellant contends that Turnus has wrongly judged the matter, while attempting to prove that the judge has, in fact, exceeded his authority, presenting several arguments

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relevant to the case, of which the best, those that deserve to be considered in this court, are: first, that the judge granted, indeed ordered, a provisional execution ex officio, without a prior request from the party; second, that he granted it while the case was pending in another level of jurisdiction, or in the court of appeal; third, that he granted it, without any of the reasons listed in article 84 of the Rotales being present. However, the first objection is easily found to be without foundation, since nowhere in the Rotales is it expressly written that the benefit of a provisional execution is not to be granted by the judge except at the request of the party. On the contrary, the opposite is quite clearly stated by the distinction, frequently found in the same Rotales, between a decree and a rescript, in which a provisional execution is said to be prescribed, or even ordered, enjoined; thus, § 83, 1: "The aforementioned rules are an exception in the case in which the judge prescribes a provisional execution of the sentence, which decree or rescript is 'unappealable'"; ibid., 2: "But this decree or rescript must be supported by reasons, both in law and in fact"; § 84: "A provisional execution is ordered whenever it is in accordance with common law"; § 85, n. 2: "The judge, ordering a provisional execution, mandates, etc."; § 229: "If a provisional execution has been prescribed, in accordance with § 84," etc. Indeed, it is quite clear from the outset that, in legal terms, the words "to prescribe," "to order," "to enjoin," without any further addition, denote the minister of the judge acting ex officio, and not at the request of the party. This interpretation is confirmed by another provision of the law in the same context, where, in the absence of a request from the party, the judge is said to grant, but not to prescribe, order, or enjoin: namely, § 228, where we read: "When a provisional execution, requested in the first instance, has not been granted," etc. Furthermore, the explicit distinction that occurs in the texts cited, between a decree and a...

[*Latin ed. p. 42*]

Acta Apostolicae Sedis - The official commentary and the Pontifical decree ordering the provisional execution entirely confirm that an ecclesiastical judge can order a provisional execution, either ex officio (through a decree) or at the request of a party (through a rescript).

5. It is not helpful to oppose the aforementioned distinction, arguing that it should rather be understood according to the model of a double system, as found in modern civil law codes, through which, either the provisional execution is obtained by means of the law (through a decree, as is assumed), or it is left to the discretion of the judge (namely, through a rescript) to grant or deny it, in both cases, however, at the prior request of a party; cf., for example, Reg. Giudis. Gregor., § 975, 976, Cod. civ. it., art. 393, 409. Even if this were the case, it is not permissible to equate canonical causes, in which, for the most part, not only private, but also public interests are involved, with purely civil causes, in which only private matters

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are to be settled, nor is it permissible to interpret the laws concerning the former according to the model of laws concerning the latter. Therefore, if the matter is brought before the modern civil law experts, who, as the author of the article "Esecuzione provisoria" in the Enciclop. giurid. ital. (vol. V, p. III, (1911), p. 4) reports, unanimously state: "Without a request, the magistrate cannot pronounce it, and if he were to do so, he would exceed the limits of the power of one who judges in civil matters, concerning private interests, which, precisely because they are such, have nothing to do with public order, etc. (Cf. sentence of the Court of Appeal of Rome, June 18, 1884: La legge, 1885, p. 207)," then, by the very same argument, a contrary opinion should be adopted in the ecclesiastical forum. These statements, if they are generally valid, are especially applicable to our case, in which the matter is between a parish and a monastery, both enjoying the rights of minors: and it is clear that the judge must proceed ex officio, or without waiting for the request of a party, so that no minor, nor indeed any other minor, may suffer any detriment to their rights, nor may an inexperienced party be deceived by the other (cf. c. 2, X, De officio iudicis, 1. I, t. 3, 2; c. 2, X, De in integrum restitutione, 1. I, t. 41), and this is perfectly in accordance with canonical equity. Therefore, nothing should be made of the further objection raised to support this grievance, namely that a provisional execution cannot be ordered in a coercive manner, but only facultatively, through a decree or a rescript; as if it would be in the interest of the party to comply with a decree or a rescript. This is not permissible when the parties in the case are not arguing about their own private rights, but about the rights of moral persons which they represent, or about the public good (cf. Lega, Praelectiones de iudiciis ecclesiasticis, I, n. 75 s.).

6. What is assumed in the other grievance, namely that...

[*Latin ed. p. 43*]

The Supreme Sacred Apostolic Tribunal has decreed that in a certain case, the judge to whom appeal was made had ruled in a manner that was deemed correct. However, it is argued that this decree was invalid, because it was based on a misinterpretation of Article 228 of the Roman Registry, which states: "When the provisional execution is requested in the first instance, and is not granted, it may be requested through an incidental petition and through a memorandum in the appellate judgment," as if it were permissible to deduce the contrary correlative: "When the provisional execution is not requested in the first instance, it cannot be requested in the appellate judgment." The fallacy of this argument is obvious: if it is permissible to deduce from the aforementioned rule that provisional execution can be requested in the appellate judgment, even if it was not requested in the first instance, then the rule is not as restrictive as it appears. In this sense, the rule appears to be most suitable for tempering the strictness of Canon 20 of the Prudentes, which made the Pope's decree

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granting or denying execution unappealable, a strictness that the Roman Registry already tempered by allowing a recourse against the Pope's decree, even in the same instance. Since these things are so, it is futile to object, not only, as is evident, to the verbal similarity between Rule 228 and Article 483 of the Italian Civil Code (954 of the Neapolitan Code), but also to the consequential interpretation of the Italian legal school, which, contrary to the French (Dalloz, Tallandier, etc.), maintains that the benefit of provisional execution cannot be requested for the first time in the appeal. Whatever may be the case regarding this matter, which is entirely foreign to our forum, it is certain that the main argument of those who deny this possibility cannot be adapted to canon law: namely, that those who did not request it in the first instance did not wish to exercise their right, and therefore should not be admitted to reconsider in the second instance to the detriment of the opposing party; this is prevented by the peculiar nature of canonical causes, which do not always allow the parties to renounce their right.

7. A more expeditious response is given to the third objection, namely, that the reason given by the Pope for granting provisional execution, namely "when there was a need to remove an unnecessary and harmful delay, in a serious prosecution of the appeal," is not included among those reasons listed in Article 34 of the Roman Registry: "The Pope shall order provisional execution whenever it is in accordance with common law, and especially when it is a matter of provisional remedies and guarantees, or of possessory judgments and other matters concerning sustenance or wages." Indeed, as was mentioned above (n. 5), the twofold difference in the rules regarding the granting or ordering of provisional execution, sometimes by law, requiring certain sentences to be executed provisionally, even without the prior request of the party, and sometimes by the discretion of the judge,

[*Latin ed. p. 44*]

44 Acta Apostolicae Sedis - The official commentary of the judge, to whom it is entrusted either to prescribe execution, or, at the request of a party, to grant or deny, taking into account, above all, both the strong presumption of truth, and the necessity of the swift progress of the matter, shows that, in comparison with the current codes of enough civil law, the institution, art. 84 of the Rotuli, deals only with the first type of causes, and does not enumerate all of them expressly, as is evident from the general formula "whenever it is in accordance with common law," and the word "especially" used. However, in our case, it is clear that the judge supplemented the lack of a request from one party, which he considered, by his prudent judgment, to be due, in these circumstances, to obtain the benefit of interim execution. The cause of this assessment, which we have subjected to a fair and just examination - although our Tribunal does not inquire

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into the assessment of facts - is clearly evident from what has been stated from the beginning. Indeed, for the victorious party in the first instance, the "useless and harmful delay of the other party in pursuing the appeal" was extremely detrimental, to which they had fruitlessly striven for about a year; and, in these circumstances, which even prevented the possibility of an application for execution, it could hardly be foreseen when the appeal would be concluded. Moreover, it should be considered harmful, not only to the party, but also to the public good - as testified by Zech, on judgments, sect. I, tit.-2, on the judge - that one of the parties should seek to prolong the initiated dispute, in order to circumvent the innocence of the other party, which is a case in which the judge can and should proceed, even without being requested (cf. c. 6, X, De in integrum restitutione, l. I, t. 41). Therefore, since all and each of the complaints of the appellant, after careful examination, appeared to be perhaps more acute than true, and with legal consistency, and since it was not clearly demonstrated that there was a lack of jurisdiction in the judge who issued the incidental judgment in Tournon, nor that any law was not observed in that judgment, or that there was any manifest violation of law, as was alleged, so that, according to art. 4 of the Regulations of our Order, the judgment should be declared null, or subject to annulment or limitation, hence the Supreme Tribunal considered it appropriate and completely rejected the appeal. And so, etc.; not only, etc.; but also, etc. Given in Rome, in the seat of the Supreme Tribunal, on May 28, 1917. Ubaldus Mannucci, Voting Signatory.

* VISITED Evaristus Lucidi, S. A. S. T. from the Secretariat.

Aloisius Scialdoni, Notary.

[*Latin ed. p. 45*]

Diarium Romanae Curiae 45

DIARIUM ROMANAE CURIAE

S. CONGREGAZIONE DEI RITI

Martedì 27 novembre 1917, nel Palazzo Apostolico Vaticano, con la presenza dei Reverendissimi e Illustrissimi Signori Cardinali e con il voto dei Reverendissimi Prelati e Consultori teologi, si tenne la Congregazione dei Riti Preparatoria, per discutere sui miracoli che si asseriscono essere stati operati da Dio per intercessione del Beato Gabriele della Vergine Addolorata, Chierico professo della Congregazione dei Chierici Regolari Scalzi della Santissima Croce e Passione di Nostro Signore Gesù Cristo; i quali miracoli vengono proposti per la Canonizzazione dello stesso Beato.

Martedì 4 dicembre 1917, nel Palazzo Apostolico Vaticano, dinanzi alla augusta presenza del Santissimo Padre, si adunò la Congregazione Gen-

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erale dei Sacri Riti, nella quale i Reverendissimi e Illustrissimi Cardinali, i Reverendissimi Prelati e i Consultori Teologi che la compongono, discussero il dubbio sui miracoli che si asseriscono essere stati ottenuti da Dio per intercessione della Beata Margherita Maria Alacoque, Religiosa professa dell'Ordine della Visitazione di Maria Vergine, i quali miracoli vengono proposti per la Canonizzazione della stessa Beata.

Martedì 11 dicembre 1917, nel Palazzo Apostolico Vaticano, si tenne la Congregazione Ordinaria particolare dei Sacri Riti, nella quale furono sottoposte al giudizio dei Reverendissimi e Illustrissimi Signori Cardinali, componenti la medesima, le seguenti cause:

1. Intorno al culto, o all'ossequio dei decreti di Urbano VIII, non mai prestato al Servo di Dio Bernardo Francesco de Hoyos, Sacerdote professo della Compagnia di Gesù.

2. Intorno alla validità dei Processi Apostolici ed Ordinari costruiti per la Causa di Beatificazione e Canonizzazione del Venerabile Servo di Dio Francesco da Camporosso, Laico professo Cappuccino.

3. Intorno al culto non mai prestato, a norma dei Decreti di Urbano VIII, alla Venerabile Serva di Dio Maria Maddalena Vittoria de Bengy, Viscontessa de Bonnault d'Houet, fondatrice della Società delle Suore chiamate: Fedeli Compagne di Gesù.

4. E finalmente intorno allo stesso dubbio, del culto non mai prestato ai Servi di Dio Giovanni di Brebeuf e Socii della Compagnia di Gesù, che si affermano essere stati martirizzati in odio della Fede.

[*Latin ed. p. 46*]

Acts of the Apostolic See - Official Commentary, Tuesday, December 18, 1917, before the Most Reverend and Most Reverend Cardinal Vincenzo Vannutelli, Promoter of the Cause of Beatification and Canonization of the Venerable Girolamo Terzo da Gesù, Maria e Giuseppe, a lay professed of the Order of Discalced Carmelites of the Sicilian Province of St. Maria "de Scala Paradisi," the Preliminary Congregation of Sacred Rites was held, in which the Reverend Prelates and theological Consultors discussed the question concerning the heroic nature of the virtues exercised by the aforementioned Venerable Servant of God.

SECRETARY OF STATE, BY ORDER:

With tickets from the Secretary of State, the Holy Father deigned to appoint:

December 5, 1917. The Reverend Father Felice Ravanat and the Reverend Father Vittorio Apeltem, of the Order of the Capuchin Minor Brothers, as Consultors of the Sacred Congregation of Rites for the Sacred Liturgy.

December 12: Monsignor Francesco Solieri, as Consultor of the Pontifical

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Commission for the Interpretation of the Code of Canon Law.

With Apostolic Briefs, the Holy Father deigned to appoint:

Protonotary Apostolic *ad instar participantium*:

December 13, 1917. Monsignor Evaristo Lucidi, Secretary of the Supreme Tribunal of the Signature.

Domestic Prelates of His Holiness:

August 24, 1917. Monsignor Dementino Valentino Hessdoerfer, of the diocese of Erbipoli.

November 21: Monsignor Giuseppe Zahn, of the same diocese.

December 12: Monsignor Matteo Mulier, of the diocese of Limburg.

December 14: Monsignor Carlo Alessio Lagneaux, of the diocese of Beauvais.

December 14: Monsignor Pietro Dourlent, of the same diocese.

December 14: Monsignor Patrizio Lorenzo Coonan, of the archdiocese of Sydney.

December 14: Monsignor Tommaso O'Reilly, of the same archdiocese.

December 14: Monsignor Giovanni Patrizio Moynagh, of the same archdiocese.

[*Latin ed. p. 47*]

From the Roman Curia Diary: HONORS. With Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: December 20, 1917. To Mr. Fiorentino Casanova y Garcia San Miguel, Marquis de Guevara. The Commanderate of the Order of Saint Gregory the Great, civil class: August 24, 1917. To Mr. Agostino Hofmann, of the diocese of Erbipoli. To Mr. Filippo Kessler, of the same diocese. November 30. To Mr. Giuseppe Haynault, of the diocese of Namur. December 4. To Mr. Leone Kremer, of the diocese of Münster. December 5. To Mr. Luigi Grassi, of the Archdiocese of Turin. The Knighthood of the Order of Saint Gregory the Great, civil class: November 29, 1917. To Mr. Guglielmo Welstead, of the diocese of Clifton. December 3. To Mr. Clemente Brenninkmeyer, of the diocese of Breslau. December 14. To Mr. Clemente Augusto Heuveldop, of the diocese of Münster. The Commanderate of the Order of Saint Sylvester the Pope: December 16, 1917. To Mr. Professor Attilio Profumo, Archivist of the Chancery of Apostolic Briefs. The Knighthood of the Order of Saint Sylvester the Pope: December 1, 1917. To Mr. Doctor Norberto Sydney Durrant, of the Archdiocese of Porto di Spagna. December 17. To Mr. Filippo Fortini, attached to the Archive of the Chancery of Apostolic Briefs.

BY THE GRACE OF HIS HOLINESS: With letters from His Eminence, the Reverend Monsignor Maggiordomo, the Holy Father deigned to appoint: Honorary Secret Chamberlains: August 17, 1917. Monsignor Anto-

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nio Ulbrich, of the diocese of Leitmeritz. Monsignor Antonio Zimmler, of the same diocese. November 28. Monsignor Pietro Potters, of the diocese of Breda.

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis - Official Commentary, November 28, 1917. Monsignor Domenico Della Vedova, of the diocese of Foligno. » » » Monsignor Bernard Mahoney, December 7. » Monsignor Enrico Adani, of the archdiocese of Modena. Honorary Chaplains of the Sword and Cope, extraordinary, of His Holiness: December 1, 1917. Mr. A. Wesmaèl, of the diocese of Namur. December 7. » Mr. Nicola Rossi Genoese, of the diocese of Mileto. NECROLOGY: June 13, 1917. Monsignor Anthony Caspar, titular bishop of Canata. September 20. » Monsignor Vincenzo Francesco Sage, titular bishop of Cuse. December 3. » Monsignor Luigi Piccardo, titular bishop of Capharnaum. » » » Monsignor Frederick Gonzalez Suarez, Archbishop of Quito. December 15. » Monsignor Pacifico Monza, titular bishop of Troade. December 31. » Monsignor Michele Izzi, Bishop of Alatri.

[*Latin ed. p. 49*]

Araras, Volume X, Number 2, February 1, 1918.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

APOSTOLIC LETTER

Concerning the erection of the Metropolitan and new ecclesiastical province of Adamantina.

BENEDICT, Bishop, Servant of the Servants of God, for the perpetual memory of the event:

Whenever the opportunity has presented itself to establish new ecclesiastical provinces, so that the good of the Catholic religion might increase, and so that the faithful might receive more abundant and prompt spiritual assistance, as they require, the Supreme Pontiffs have always done so, as ecclesiastical documents testify. Therefore, since the Apostolic Nuncio in the Brazilian territory has long been striving, for the greater spiritual good, either of bishops or of the faithful, to erect another ecclesiastical province in the vast ecclesiastical province of Mariana, and to establish the diocese of Adamantina as a Metropolitan See, We, having diligently and carefully considered all matters, have judged it fitting to proceed with its erection. Wherefore, after consultation with our beloved sons, the Cardinals of the Sacred Consistory, with the consent of our venerable brother, the present

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Archbishop of Mariana, and others who have an interest, and also, if necessary, supplementing with those whose presence is required, ACTA, Volume X, No. 2, 1-2-1918, 4.

[*Latin ed. p. 50*]

The Acts of the Apostolic See, with the consent of all, declare that We, by Our apostolic authority, establish the following matters permanently: We release and exempt the See of Adamantina from the Metropolitan jurisdiction of the Archbishopric of Mariana; and We elevate and ennoble it to the rank and dignity of a Metropolitan Church. To this Metropolitan See of Adamantina, thus erected, We fully grant and assign all and singular rights, privileges, and prerogatives customarily and usually held by Metropolitan Sees in the Brazilian region, and We augment the venerable brother Joachim Silverio De Sousa, who presently holds the See of Adamantina, with the title, dignity, rights, and privileges of an Archbishop, together with the faculty of bearing the Cross and Pallium, as do other Archbishops, after this has been requested and obtained from the Apostolic See in the Sacred Consistory. Furthermore, We elevate, with the same apostolic authority, the Chapter of the Cathedral of Adamantina to the rank, title, and honor of a Metropolitan Chapter, so that it may enjoy all the preeminences, honors, rights, and privileges with which other Chapters of this kind in those parts are ordinarily endowed. Moreover, We release and withdraw from the Metropolitan jurisdiction of the Archbishop of Mariana the dioceses of Montes Claros and Araçuí, and We assign and attribute them to the Metropolitan See of Adamantina, and We constitute and designate the bishops presently existing in those dioceses as suffragan bishops to the Archbishop of Adamantina, to whom they shall be subject according to canonical sanctions, and We decree and command that the clergy and people of the aforementioned dioceses of Montes Claros and Araçuí shall be subject to the said Archbishop of Adamantina, as regards their episcopal bishop, and as regards metropolitan jurisdiction, according to the aforementioned canonical sanctions. To this Metropolitan See of Adamantina, as erected above, for its diocese, We assign the same territory and region that the Episcopal See of Adamantina has hitherto held as its own and proper territory, always observing the same limits and boundaries that the episcopal diocese of Adamantina, as stated above, has hitherto formed and constituted. Furthermore, We reserve to Ourselves and to the Apostolic See the faculty freely to make new divisions and subdivisions in this new ecclesiastical province, whenever it may seem more expedient in the Lord, without it being necessary to seek the consent of any prelate or Chapters, or to grant any territorial compensation. And all that which has been decreed

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by Us in these Letters, by Our apostolic authority, shall be null and void.

[*Latin ed. p. 51*]

51. The acts of Pope Benedict XV may, at no time, be infringed upon, or contradicted, or in any way opposed. If anyone, may God prevent it, should presume to attempt this, let him know that he will be subject to the penalties prescribed by the sacred canons against those who resist the exercise of ecclesiastical jurisdiction. Furthermore, for the faithful execution of all these matters, we entrust the venerable brother Angelus Hyacinthus Scapardini, titular Archbishop of Damascus and Apostolic Nuncio in the Republic of Brazil, and we grant him the necessary and appropriate powers, including the power to delegate, to another man holding ecclesiastical office, in order to achieve the purpose mentioned herein, especially the venerable brother, the present Ordinary, and to pronounce a definitive judgment on any difficulty or opposition that may arise, with the obligation to report to the Sacred Congregation of the Consistory in Rome, within six months, a faithful, authentic report, for the absolute execution of this Our mandate, so that it may be preserved in the archives of the aforementioned Sacred Congregation. Finally, we decree that these present letters shall be valid, notwithstanding any contrary provisions, even those deserving of special and express mention. Given in Rome, at St. Peter's, in the year of Our Lord one thousand nine hundred and thirty-seven, on the twenty-eighth day of the month of June, in the third year of Our Pontificate.

C. S. Raphael CARD. DE LAI, Secretary of the Consistory.

Virili, Apostolic Protonotary.

Ludo vicus Schuller, Apostolic Protonotary.

Loco & Plumbi.

Registered in Cane. Ap., vol. XV, n. 21.

[*Latin ed. p. 52*]

Acts of the Apostolic See - Official Commentary II. ON THE GRANTING OF THE PRIVILEGE OF THE SACRED PALLIUM TO THE CATHEDRAL CHURCH OF CHARTRES. BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE. The Episcopal Church of Chartres, in order to be rightfully esteemed among the foremost in Gaul, has earned its distinction through many merits. Founded in the very first century of Christianity, its bishops have been renowned for the splendor of their virtues, as well as for the praise of their teaching. Indeed, ten of them have been raised to the honors of the heavens. Furthermore, the fame of Ivon of Chartres shines forth in the sacred canons. Finally, the Roman purple has adorned it, and five bishops of Chartres have been adorned with it. It is also fitting to mention the great honor that has come to the Church of Chartres because four councils have been held there. The city of Chartres is further ennobled by its Cathedral: which, both

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in its size and in the precious works of art it contains, is truly remarkable. Our predecessor, Pope Pius, some years ago, wished to adorn it with the title and insignia of a minor basilica; it is said that it was erected above a crypt in which a celebrated Druidic college had offered worship to the "Virgin about to be born." There, in the same place, the most ancient image of the Father of God is venerated with the devotion of the faithful; and two Roman Pontiffs, Paschal and Innocent, of the second name, and almost all the Kings of Gaul, have visited it. In addition to this temple, before the overthrow of Gaul, there was a college of ninety canons devoted to it; now, although the number of priests has diminished, the choral service is fully and splendidly performed. For these reasons, the venerable brother Henry Louis Bouquet, who today governs the diocese of Chartres, humbly requested that We might deem it fitting to grant him and his successors the privilege of the Sacred Pallium, in order to enhance the glory of this esteemed See. Furthermore, having carefully considered all these things, We have decided to favorably respond to the requests of the bishops, and, by apostolic authority, We decree...

[*Latin ed. p. 53*]

53 We have granted, with full approval, the acts of Pope Benedict XV, so that the aforementioned Bishop of Chartres and his legitimate successors, by a special privilege, may enjoy the use of the Pallium, and may request it in the Sacred Consistory, according to custom, with all metropolitan rights and other rights being observed. Therefore, by apostolic privilege, it shall be permitted henceforth to the current Bishop of Chartres, and to his legitimate successors, after due request, to use the Sacred Pallium in solemn ceremonies, according to the prescriptions of the sacred canons, but only within the Diocese of Chartres, and not elsewhere, even if the consent of the Ordinary is added, notwithstanding any and all objections. Given in Rome, at St. Peter's, in the year of Our Lord one thousand nine hundred and thirty-seven, on the fifteenth day of the month of November, in the fourth year of Our Pontificate. O. CARD. CAGIANO, C. CARD. DE LAI, SECRETARY OF THE HOLY CONGREGATION. In place of Fr. S. C. Consistorial Secretarius. Julius Campori, Apostolic Prothonotary. Raphael Virili, Apostolic Prothonotary. Plumbi. Registered in the Registry of Apostolic Decrees, Volume XVI, number 1. DECREE CONCERNING THE SACRED PALLIUM FOR THE CATHEDRAL CHURCHES OF TARBES AND LOURDES. BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR PERPETUAL REMEMBRANCE. After, almost sixty years ago, the most Holy Virgin Immaculate appeared, through marvelous apparitions, near the banks of the Gave River, from which the name "Immaculate of Lourdes" is commonly used for her; an incredible abundance of heavenly graces has been seen to spread throughout the entire world. Hence, the name of the small town, previously almost unknown, has been widely disseminated,

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and it has gained fame, so that its renown equals that of the most celebrated cities. A temple, by the will of the Immaculate Virgin herself, has been built by the piety and generosity of the faithful in the very place of the apparitions, and it is frequented by crowds of Christians from every region.

[*Latin ed. p. 54*]

The Acts of the Apostolic See have repeatedly demonstrated the presence of ecclesiastical dignitaries, and the authority of the Roman Pontiffs has bestowed the highest honors upon it, making it one of the most important sanctuaries in the entire world, an outstanding witness to Catholic truth, and, as it were, a source of life, from which, through the intercession of the most benign Mother of God, all kinds of blessings of consolation and holiness are drawn. Moved by all of this, We, who are now entrusted with the governance of the entire Church, and who, while presiding over the Archdiocese of Bologna, in the year nineteen hundred and thirteen, following the custom of pilgrims, visited the Basilica of Lourdes, and gladly received the vows of our beloved son, Leo Adolphus, Cardinal Amette, of the title of Saint Sabina, a priest of the Holy Roman Church, now the Archbishop of Paris; and of the venerable brother Francis Xavier Schoepfer, now the Bishop of Tarbes and Lourdes; and desiring to imitate the piety of Our predecessors towards the Virgin of Lourdes, We have decreed and determined, with a special privilege, that the episcopal see of Tarbes and Lourdes shall be adorned with the sacred Pallium, on the sixtieth anniversary of the apparition of the Immaculate Virgin. Therefore, from said sixtieth anniversary, to be celebrated on the eleventh day of February of the following year, the aforementioned Bishop Francis Xavier, who now holds the episcopal see of Tarbes and Lourdes, and his successors in the episcopal office, may, in Consistory, as is customary, request the sacred Pallium, and may use it in ecclesiastical functions, but only in the Basilica of Lourdes, in accordance with the liturgical laws, with all other rights and obligations to be observed as required by law. We wish and decree that these present letters shall remain forever valid and in force, notwithstanding any constitutions and ordinances of the Apostolic See, or any other contrary provisions. Given at Rome, at Saint Peter's, in the year of Our Lord nineteen hundred and seventeen, on the eighth day of the month of December, in the fourth year of Our pontificate, to the glory of the Immaculate Virgin.

O. CARD. CAGIANO

C. CARD. DE LAI

S. B. E.
Cancellor.

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(Signature)
Plumbi Reg. in Cane. Ap., vol. XVI, n. 12.
S. C.
Raphael Virili, Consistorial Secretary.
Protonotary Apostolic.
Protonotary Apostolic.

[*Latin ed. p. 55*]

Acta Benedicti PP. XV 55. *LITTERAE APOSTOLAE*. The Church of Monte Senario, of the Order of the Servants of the BLESSED VIRGIN MARY, is raised in title and privileges to that of a Basilica Minor. BENEDICT PP. XV. For the perpetual memory of the matter. — In Monte Senario, not far from the city of Florentia, there exists a sacred edifice with a continuous cloister, which you rightly call a monument of piety; for there, the illustrious Order of the Servants of the BLESSED VIRGIN MARY, founded by the Seven Holy Fathers who had retired there, has deservedly contributed, until this day, and indeed, in no small measure, to the cause of the *catholica* faith. Indeed, the virtue of those Fathers has manifestly benefited the Church of God, as the course of events has declared; for when the Church was being torn apart by the schism of the impious Frederick II, and in the very regions of *Italiae*, the people, drawn away by the factions, were inflamed with envy, leading even to bloodshed, those holy men, to whom it had been decided to love one another with great fervor and to pursue others with similar affection, preferred that bond of fraternal love and charity, so that the men of that turbulent age might behold it as an example and propose it to themselves for imitation. Indeed, those blessed Seven Fathers diligently and marvelously cultivated that charity, through contemplation of the Lord's Passion and the Sorrows of the Virgin Mother, in that very sacred edifice, which we have mentioned, as if in a certain arena. And so, for the cause of piety, on the Friday of the year 1440, when they were gathered together, the Sorrowful Virgin revealed herself to them, and commanded them to begin a new religious Order, whose purpose would be to meditate upon and share the sorrows which she herself bore to the foot of the Cross of Christ; and she also decreed by what laws, in what vestments, and under what name they should live. Then those blessed men, having gathered a sufficient number of companions for the labors of life, began to spread throughout *Italiae*, and especially Etruria, to reconcile cities and towns, to compose discord everywhere, and to bring back to Christ those who had strayed from him; and they attracted so many active workers from other nations and even from the divided regions of the East, that they spread the fragrance of Christ widely throughout the world. It is also worthy of mention that it is said that, through the sacred edifice of Monte Senario, a flame of charity

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spread around, when St. Philip Benitius first prayed there, and angelic harmonies were heard.

[*Latin ed. p. 56*]

56 Acta Apostolicae Sedis - The official commentary finally reveals that, near the mirror, in the place where she had lived the most austere life, a divine spring of water had been miraculously produced. Beneath the altar of the principal chapel of that temple, the bodies of the Seven Holy Fathers, after one by one they had undergone the precious death, were honorably buried, and from there, at the beginning of the 18th century, they were transferred to another small chapel, skillfully constructed and dedicated to them; which Our Blessed Predecessor Leo XIII, by Apostolic Letters dated July 24, 1888, decreed to be perpetually under the power and protection of the Apostolic See. Thus, divine Providence arranged that the seven most blessed bodies, in which, due to the wonderful concord and similarity of life of those brothers, a single soul seemed to have been present, as testified by the constant opinion of pious men, Peter Medici, should lie together and from the beginning, and be presented for the veneration of the people. In this regard, it is also fitting to mention that the relics of many other Saints are also kept in the same temple, among whom the body of Blessed Ubaldo Adimari holds the most honorable place, whom it is known that the Seven Holy Founders and Philip Benizio used as teachers of piety. For these reasons, the faithful, especially from Etruria, ardently desire to make pilgrimages there, to reverently visit the Sacred Aedifice, to cleanse their souls, and to return home, nourished by celestial food, with abundant fruit and consolation. - Considering all these things, our beloved son, Alexius M. Lépicier, Prior General of the Order of the Servants of the Blessed Virgin Mary, judged that the deeds and virtues of so many men should be brought to the attention of the Christian faithful, especially at this time, when it is very necessary for charity to flourish in hearts, and he earnestly and humbly requested us to grant, also heeding the wishes of his students, that the Sacred Aedifice of Senario Mount be honored with the title and privileges of a Minor Basilica, by our apostolic benevolence. We have decided to grant this, desired request, for our benevolence towards the Order of the Servants of the Blessed Virgin Mary; therefore, after hearing the Most Reverend Fathers, Cardinals, Prefects of the Congregation of Sacred Rites, by our apostolic authority, by the force of the present Letters, on this very day, when, thirty years ago, the honors of the blessed Seven Founders of the same Order were decreed in the Celestial Kingdom, we permanently elevate the church of the Order of the Servants of the Blessed Virgin Mary, existing on Mount Senario, to the title and dignity of a Minor Basilica, and we grant to it all and each of the rights, privileges, prerogatives, honors, indulgences, which by right belong to the Minor Basilicas of this Our City. We decree that these present Letters shall always exist and remain firm

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and valid and shall have and obtain their full and complete effects, and shall fully suffice for those to whom they pertain; and thus, let it be rightly judged.

[*Latin ed. p. 57*]

Acta Benedicti PP. XV, 57, concerning matters to be established and defined, and which will be rendered invalid and void if, concerning these matters, any authority whatsoever, knowingly or unknowingly, should attempt to alter them. Notwithstanding any contrary provisions. Given at Rome, near Saint Peter's, under the Fisherman's Ring, on the fifteenth day of January, in the year 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Sacred Congregation for the Affairs of the Church. LETTER I TO THE MOST REVEREND MADAM ANGELA, MOTHER SUPERIOR GENERAL OF THE ROMAN UNION OF THE DAUGHTERS OF SAINT URSELINE. The blessed feast of the three hundredth anniversary of the founding of the Ursuline religious order coincides with this most sorrowful time. It is well known that the principal cause of this arises from the fact that too many, both privately and publicly, have abandoned the Christian precepts and institutions, which are the very foundations of society. This has been happening for a long time, but especially after the French Revolution, efforts have been made to reduce the beneficial influence of the Church to a narrow sphere, so that it may have no influence at all in human society. Furthermore, efforts have been made to detach women from the care and vigilance of the Church. For the good of the human race, women can play a very important role; and if they generally stray from the right path, all domestic and civil order is easily undermined. Therefore, it has been seen that, without religion, women abandon all piety and modesty; and there are many who, giving themselves too much to worldly pursuits, adopt entirely masculine ways of acting, and who, abandoning their domestic duties, recklessly throw themselves into the struggles of life. Hence this deplorable perversion of morals, which the license of war has incredibly increased and widely spread. You have resisted this disturbance of all things, as much as was in your power, by properly educating young girls in Christian wisdom, and you have earned great and outstanding merits in this regard, with God's help. It is to be hoped that from this immense ruin, a new order of things will emerge in which Christianity...

[*Latin ed. p. 58*]

58 Acta Apostolicae Sedis - The principles of justice and charity must govern, and we entirely trust in divine goodness. For the restoration of order, all good people must contribute in their own way; and you, remembering what your association has accomplished thus far, should strive with zeal to promote the institution, that is, to form the minds and hearts of

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young women so that they may be worthy mothers, living according to the Christian faith. We, in order to increase and celebrate this auspicious event, and to promote its fruits, grant that all those who attend in your churches or chapels, or who participate in a triduum or other solemn service held for this purpose, may obtain, under the usual conditions, a Plenary Indulgence and remission of sins, not only for members of your family and students, but also for all those who join with you. And as a witness to the heavenly blessings and the paternal benevolence of Ourself, We lovingly bestow the apostolic blessing upon you, beloved daughter in Christ, and upon the entire Ursuline family under your guidance.

Given at Rome, near St. Peter's, on the twenty-seventh day of December, in the year 1916, in the fourth year of Our Pontificate.

BENEDICT XV

TO GEORGIUS, S. R. E., PRESBYTER, CARDINAL GUSMINI, ARCHI-CANCELLAR, AND THE DOCTORS OF THE THEOLOGICAL COLLEGE OF BONONIENSIS, TO WHOM THESE LETTERS ARE ADDRESSED.

Beloved Sons, greetings and the apostolic blessing.

The annual expression of your piety, which you sent to Us with favorable omens, was, if not joyful, as is the case in these times of sorrow, nevertheless most pleasing to Us, since it comes from those whom We know to be most closely united with Us by ancient custom. In return for your service to Us, We, with paternal charity and the same openness to you, ask that the infant God may pour forth His gifts upon you, and may grant you peace, which He brought to men of good will. For it is possible for this peace to dwell in the heart of everyone, even in the midst of great turmoil. May the nations, composed as they are of immense conflict, become participants in it as soon as possible. But since it is in the power of men to disturb everything and to destroy, but not, without the help of God, to restore and rebuild, let them, therefore, invoke this peace from heaven through all prayers, as they do frequently in BONONIENSIS.

[*Latin ed. p. 59*]

Acta Benedicti PP. XV, 59: Our merits have not been sufficient, let us not desist. We constantly commend your prayers to the patronage of the most blessed Virgin: from Her, the world received peace with Christ; may she, as guide, lead it back to the possession of peace, from which it has so wretchedly departed. As a pledge of this, and as a witness of our most sincere good will, we impart to you, our beloved son, and to the esteemed theologians of your court, our apostolic blessing. Given in Rome, at St. Peter's, on the 29th of December, 1917, in the fourth year of our pontificate. BENEDICT XV.

To His Most Reverend Eminence, Alphonse S. R. E. Cardinal Mistrangelo,

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Archbishop of Quarten, completing twenty-five years in the episcopate.

Beloved son, greetings and our apostolic blessing.

We are pleased that, regarding the anniversary of your birth, which those who desire it celebrate on the fifth and twentieth day, your will has yielded to the will of the Florentines, since you prefer to postpone it, while they, as is said, wish to celebrate it; and we rejoice that your piety, surpassing modesty, has prevailed. For it is fitting, and it also serves to increase mutual affection, that sons should not fail to offer their father the best possible congratulations on a happy day, especially since, feeling the rewards you have earned, the integrity of your spirit remains intact.

Furthermore, for that solemn day, a dedication has been arranged at the principal church, the episcopal cathedral, which this diocese has magnificently bestowed upon you; thus, in the seat of your honor, a distinguished monument, worthy of the place in its craftsmanship and design, will commend the memory of your merits to posterity.

Preceding the general congratulations, we grant that, on that auspicious day, after the solemn ceremony, you may, with our authority, bless those present and, under the usual conditions, grant full remission of sins; and we pray to God that He may fill you with the most excellent gifts of His grace for many years to come.

As a pledge of this, and as a witness of our most sincere good will, we impart to you, our beloved son, to your clergy, and to your people, our most heartfelt apostolic blessing.

Given in Rome, at St. Peter's, on the 16th of January, 1918, in the fourth year of our pontificate. BENEDICT XV.

[*Latin ed. p. 60*]

60 Acta Apostolicae Sedis - Official Commentary

ACTS OF THE SACRED CONGREGATIONS

SACRED CONSISTORY

I. PROVISIONS CONCERNING CHURCHES

By the decrees of the Most Holy Pontiff, N. Benedict XV, the following churches have been provided with titular prelates:

1. January 1918. — To the titular episcopal church of Paleopolis, the Reverend Father Charles Sica has been appointed, formerly Bishop of Foligno and its administrator apostolic.

2. January. — To the titular archiepiscopal church of Caesarea in Mauritania, the Reverend Father Peter Coelestinus Cézérac has been appointed,

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formerly Bishop of Cahors, to serve as coadjutor with the right of succession to the Reverend Archbishop of Albi.

3. January. — To the titular episcopal church of Anthedon, the Reverend Father Aemilius Jiménez Perez, administrator apostolic of Barbastro, has been appointed.

4. January 28. — To the cathedral church of the Holy Spirit, the Reverend Benedict Alves de Souza, general vicar of São Paulo in Brazil, has been appointed.

5. January. — To the cathedral church of Caratinga, the Reverend Father Joachim Mamede da Silva Leite has been appointed, formerly titular Bishop of Sebaste and auxiliary to the Reverend Bishop of Campinas.

6. January. — To the cathedral church of Tenedos, the Reverend Father Joan de Araujo Batinga, general vicar of Maceió, has been appointed.

7. January. — To the cathedral church of Porto Nacional, the Reverend Father Vincent Mary Moreira, of the Order of Preachers, Province of Toulouse, has been appointed.

8. January. — To the cathedral church of Le Mans, the Reverend Father George Grente, canon of the diocese of Coutances, has been appointed.

[*Latin ed. p. 61*]

Sacred Congregation Consistorial, 61 II. NOMINATIONS. By decrees of the Sacred Congregation Consistorial, the following were appointed: January 5, 1918. — Reverend Father Joseph Sagnori, rector of the Seminary of Signi, Apostolic Administrator of the diocese of Alatria. January 18. — Reverend Father Paul Jacuzio, Archbishop of Sorrento, Apostolic Administrator of the diocese of Capua and Vella. January 21. — Reverend Father Peter Celestine Cézérac, titular Archbishop of Caesarea in Mauritania, Apostolic Administrator of the diocese of Gadura.

SACRED CONGREGATION CONCERNING DIOCESES. IN SPAIN. OF THE CHAPTER DELIBERATION. On March 17, 1917, the following occurred. — Since, due to the manner of acting of the Canon, peace and harmony were widely disturbed in the cathedral of X, and the other members of the Chapter, wishing to restrain his harsh and restless disposition, unanimously decreed on May 5, 1905, "that no one among them should, for any reason, fulfill or substitute the duties of the Canon without remuneration; and if anyone, acting contrary to this decree, should ever present himself in his place without compensation, he should incur this very penalty." The Canon, wishing to comply with this decree, although, as he himself said, he harbored the intention of obtaining this position before the future Bishop – fearing indeed that the Bishop who then governed the diocese might, anticipating him, speak against him – nevertheless, he completely broke off all fraternal customs with the Canons, but since he was compelled by the aforementioned decree to pay for the substitution for the choral duties,

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even when he gave sermons for his office, he refused all other compensation.

[*Latin ed. p. 62*]

62 Acta Apostolicae Sedis - Official Commentary. Furthermore, besides the twelve duties expressly assigned to them in the Cathedral statutes, they were to hold offices gratuitously, as was customary before, reimbursing this burden to their colleagues. The new Bishop, who assumed the administration of the diocese in 1914, considered this situation to be entirely unjust and did not hesitate to take steps to restore harmony between the Chapter and the Canons Regular; however, he found the main obstacle to this salutary plan in the aforementioned chapter decree, which, as unjust, the Canons Regular demanded be completely abolished, while the Chapter, considering it a suitable remedy for a stubborn spirit, and also confirmed by experience, insisted on its maintenance, even with episcopal authority. Finally, considering all the circumstances, he submitted the matter to this Holy Congregation, posing the following question: Whether the Chapter's decree should be maintained in this case, considering the manner in which the Canons Regular act with regard to it.

SYNOPSIS OF THE DISPUTE. The members of the Chapter argue that those who vehemently maintain that the decree should be upheld, do not need to demonstrate that it was entirely appropriate and effective: in fact, since it was issued, for a period of ten years, it has never disturbed the common peace and tranquility of the Canons Regular, as was customary. Therefore, they maintain that the decree was not unjust, as the opposing side claims. Moreover, by the same decree, no Canon's right was violated, but rather, the same favor was simply denied to him, as he was deemed unworthy. Every Canon, besides the specific duties incumbent upon his office, is obliged to bear the common choral duties and services, which fall to him in turn. If, therefore, two such obligations occur simultaneously, so that one must be chosen over the other, as, for example, if a Canon Regular is assigned by turn to the duty of serving as a subdeacon in the solemn Mass, and at the same Mass is required by his canonical office to preach, the obligation to fulfill the other type of duty does not cease; rather, he is entirely obliged to find a substitute who will fulfill it in his place. Frequently, these substitutions are made gratuitously, out of friendship, favor, courtesy, or a mutual agreement; but the substitute, by his very nature, has the right to demand compensation for the work performed, to which, in fact, he himself, and not the substitute, was obligated. These matters, which are common and obvious to everyone, are established in a specific statute of the cathedral chapter: indeed, in the chapter deliberation of November 28, 1892, with the unanimous consent of the Canons, it was established that the amount or tax for compensation "should be used by those who

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substitute for others in their duties, even in cases of infirmity."

[*Latin ed. p. 63*]

£. The Congregation of the Council, considering that substitutes have the right to a defined remuneration, decreed in the aforementioned decree that the Capitulars intended not to relinquish this right, but rather to exercise it, especially when a Canon was to be replaced. However, he who exercises his right should not be considered to harm anyone; therefore, since the members, individually, could act towards the Canon, they could establish this as a collective action. It must be noted that this condition applies not only to the Canon, but to all, and that he can and should compensate for any inconvenience he may suffer, perhaps due to the fault of others, with the benefit he receives, demanding a fair, and according to the established rate, compensation from the members whom he sometimes replaces, receiving in return the same benefits. Whatever the case, the Capitulars conclude that it is certainly not permissible to impute injustice to the aforementioned decree. Conversely, it is argued that nothing can be deduced from the aforementioned assertion regarding the legitimacy of this decree: for even penal laws must be effective, opportune, and in themselves legitimate and just, as natural reason dictates. Furthermore, as it appears from the aforementioned facts, this Capitular decree also gave rise to deplorable consequences, which are the primary issue at hand. Secondly, it is observed that it is not the case that, whether in his own or in other Chapters of Spain, the Capitulars, and in particular the Magistral, are obligated to have others fulfill the communal duties of the choir, when, for reasons other than absence, as stipulated by the aforementioned Chapter law of 1892, but rather due to the specific reason of the annexed prebend, they are prevented from doing so. On the contrary, in this case, in Tournus, with regard to the communal choral duties, the responsibility automatically passes to the succeeding Canon; this transfer is not requested out of favor, but is enforced by custom, which has the force of law. All of this, indeed, is entirely consistent with the common legal prescription and the opinion of the Doctors. It is sufficient to quote from De Herdt (Prax. Capit., cap. XXVIII, § 10, n. IV): "Canons, absent for a just cause, are not obliged to leave a substitute, and during this interim, they are inserted, despite an unforgettable custom, as S. C. C. declared, as Garcias (De Benef., p. III, c. % n. 197) reports, and as Fagnanus affirms (in III Decret., c. Nulla, de concess. praebendae, n. 73); cf. Reiffenst., lib. III, tit. IV, n. 123, Ferraris, v. Canonicatus, art. V, n. 40, etc." But, indeed, there is no more just reason than physical incompatibility of offices, by which a Canon is prevented from performing the duties assigned to him by the turn, at the same time as he is required to exercise the particular duties of his office or prebend.

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Therefore, if he is in no way compelled...

[*Latin ed. p. 64*]

64 Acta Apostolicae Sedis - Commentarium Officiale: It is clear that, with due regard for justice, anyone can leave a substitute, find a substitute at their own expense, and, even more so, be prevented from providing a substitute. This general argument is strengthened if one considers the very nature of the office of a Canon Regular. Although this term is particularly used by the Spanish, it seems that this office is sufficiently similar and should be equated with the office commonly known as that of a Canon Theologian. Thus, Pax Jordanus, cited by Petra (Comm. ad Const. II, Innoc. IV, n. 43): "he says that Ganoni equates 'Magisterial and Doctoral' with 'Theological'," cf. Rota in dec. 293, lib. III coram Puteo. Furthermore, this is easily demonstrated if one compares the duties of a Canon Theologian with those of a Canon Regular, as described by Spanish writers, for example, Lafuente (Eccles. Discipl. Lectiones, lect. 33: "to assist the Bishop in the ministry of preaching"); Agui[l]ar (Scientiae Iurid. Compendium, ed. I, p. 219: "to give sermons to the people 'on days prescribed by the chapter statutes'"), as well as those prescribed in the Councils of Toledo (sess. III, cap. IV, de ref.), Compostella (sess. II, cap. XXV), etc. Given these premises, it is certain that, as De Herdt notes (op. cit., p. I, cap. IX, § 1): "Theologians, 'on the days when they give a lecture, are not only excused from the choir, but also are 'free from other duties, such as the diaconate and subdiaconate'," and it is clear from numerous H. S. C. resolutions, particularly from Urgellen, April 17, 1721, and December 15, 1725, which, as reported by Pallottini (v. Canonicatus, VIII, n. 349), are remarkably applicable to our case: "On April 18, 1721, the S. C. responded 'that Charles Aparte, who was a Canon Theologian or Lecturer..., 'was exempt from the duty of the diaconate on the days when, by reason of 'his theological duties, he was excused from the choir, and that this exemption also applied 'on other days when he himself gave a sermon...' Having stated the 'doubts': I. Whether one should adhere to or depart from the decisions, the S. C. responded: 'In T: Ad T: In decisis'." Therefore, if a Canon Theologian, and by extension a Canon Regular, is to be excused from the choir and from providing other duties, such as the diaconate and subdiaconate, on the days, or at least during the time, when he gives a sermon, it is clear that he is not obligated to provide these same services through a substitute, and to force him to do so, or even to compel him to provide them through a substitute at his own expense, is a blatant injustice and a serious violation of the law. Furthermore, assuming, for the sake of argument, that the decree, or the prohibition of substitution, is not necessarily applicable, but is limited to the case where a Canon is prevented from fulfilling his duties due to the specific requirements of his benefice, it is exceedingly absurd to obligate someone, solely by virtue of his title and the same benefice, to

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fulfill incompatible duties simultaneously.

[*Latin ed. p. 65*]

65. The Holy Congregation, therefore, can more reasonably understand other substitutions arising from any other cause, whether due to absence or sometimes necessity; however, a general consideration must be given to the form or rite of the aforementioned Capitular decree. Indeed, the decree deliberated upon by the Chapter was intended to establish a permanent statute, obligating all Canons, not only those who consented to the decree, but also others who would subsequently be appointed. However, it is certainly the case that the Chapter does not have the right or the power to establish such statutes without the hearing and approval of the Bishop: of whose approval, in this case, there is no evidence. Therefore, it does not seem that the proper name of the decree can apply to such a deliberation. Furthermore, this deliberation contains an obligation and a penalty, not only for the Canon Major, but also for others who would wish to show favor to the free substitution. But it is equally certain that the Chapter does not have the power to establish obligations and penalties outside of those contained in the Capitular statutes. It must also be noted that this deliberation sanctioned something entirely exceptional and uncommon, against one Canon; otherwise, "Capitular statutes must be common and equal to all and each Canon," as Ceccoperius beautifully writes (Lucubr. canon., 1. IV, t. XIII, n. 26). It does not seem sufficient to state that it was necessary and opportune to restrain the Canon in this case; for there were legitimate and just disciplinary norms, either in particular statutes or at least in common law, which were clear, by which this could be obtained more prudently and even more effectively, either by the Chapter, or, much better, by the Ordinary.

Furthermore, after these matters were presented in a plenary session of the Holy Congregation held in the Vatican Palace on March 17, 1917, the Most Reverend and Illustrious Fathers, having reformulated the question as follows: "Can a Capitular deliberation be sustained in this case?" ordered that the following be answered: RESOLUTION. "Negatively, and in accordance with the following: The Bishop should order the Canon Major to retract his insults and to behave with charity towards his fellow Canons; and, as long as he persists in his obstinacy, he should be restrained through disciplinary means." Subsequently, His Most Holy Lordship Benedict, Divine Providence, Pope XV, in an audience granted to the undersigned Secretary on March 19 of the same year and year, deigned to approve and confirm the resolution of the Reverend Fathers. I. ACTA, vol. X, n. 2. — 1-2-918. MORI, Secretary. 5

[*Latin ed. p. 66*]

Acta Apostolicae Sedis - Official Commentary 66

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SACRED CONGREGATION FOR RITES

I AUGUSTODUNUM.

DECREE OF CANONIZATION OF THE RELIGIOUS PROFESSED OF THE BLESSED ORDER OF THE VISITATION, MARGARET MARY ALACQUE, VIRGIN, VIRGIN.

It is certain that, after the granting of the same Blessed one's veneration, in the case and to the effect of which we are speaking?

Amidst the harshness, ruins, and massacres of this turbulent time, it is scarcely conceivable how much joy the faithful of the entire Catholic world will experience when the news is brought to them that the cause of the Canonization of Blessed Margaret Mary Alacoque has reached the point that it will, after a long and fervent expectation, achieve its outcome.

Indeed, anyone who reflects even briefly on the great connection that existed and shone forth between Blessed Margaret Mary Alacoque and the most sacred cult of the Heart of Jesus, cannot fail to believe that from the blessedness of today's event, and from so light a matter, a devotion to the most sacred Heart of Jesus, so consonant with human nature and so fruitful, will increase greatly in the future, and that the increase of this devotion will be so conspicuous as to be highly opportune for the times.

Indeed, if ever there was a time, it is certainly today, when, with the increasing daily disregard and oblivion of things that are ordered by supernatural means, and with the immoderate and powerful greed of earthly goods taking their place, this unjust and abominable subversion, which was brought about precisely because men had become alienated from God, has spread and disseminated a rich harvest of hatreds, so that nation rises against nation and kingdom against kingdom.

Therefore, with the fires of civil strife burning everywhere, the divine voice was heard more clearly and, as much as possible, it said: "I am come to cast fire on the earth. And what will I, but that it be kindled?" (Luke 12:49), namely, the voice of Christ the Redeemer Himself, opposing the most terrible flames of anger and the flames of vice, and calling men back to...

[*Latin ed. p. 67*]

The Holy Congregation of Rites, following its own example, teaches mutual love and concord: "Take up my yoke upon you, and learn of me, because I am meek, and humble of heart: And you shall find rest to your souls" (Matthew 11:29). This applies most properly and truly to the religious order of the Most Sacred Heart of Jesus. For when charity had grown very cold, especially on account of the spreading heresy of Jansenius, which had presented the divine majesty as inaccessible to the human race, the God,

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rich in mercy, who promised never to abandon His Church, and therefore, according to the experience of ages, has wisely and prudently provided safeguards, has deigned to make visible, in some way, the treasures of His infinite love, placing before their eyes that most sacred Heart, which from the Incarnation of the Word to the death on the Cross had given so many and such signs, a most clear and ardent charity towards men. Concerning the form of the religious order, which revolves around the worship of the Most Sacred Heart of Jesus, Sister Margaret Mary Alacoque understood and acknowledged the parts that had been assigned to her, illuminated by divine light, and it is known how she fulfilled them with all her heart, guided and instructed by the venerable Servant of God, Claude de la Colombière. This woman, who proved to be an outstanding imitator of the sanctity to which she aspired and of whom she was a spiritual daughter, was not only a witness and observer, but also a most excellent example of the same sanctity, as evidenced by the distinguished and renowned writings of the venerable Claude, whose heroic virtues have long been approved by the solemn judgment of the Apostolic See. And as Sister Margaret Mary, with great zeal, carried out and completed the task, during her lifetime, of exciting devotion and piety in the hearts of the faithful towards the divine Heart of Our Lord Savior, after her death, the same task was diligently pursued, with even greater authority, for the cause of her Beatification, which was begun with due legal process. And as was to be expected, she progressed almost to the same degree in the worship of the Most Sacred Heart of Jesus; she experienced, in common with those devoted to it, and indeed, both favorable and unfavorable circumstances, in such a way that the elevation, which in the year 1866, during the solemnities of the Beatification, was conferred upon the cause, led to its being raised to the rank of the first class, for the entire Church, the feast of the Most Sacred Heart of Jesus, and also the wonderful diffusion and propagation, far and wide, of this so sweet and beautiful devotion. And it has been sufficiently experienced and proven that this has been most salutary and most fruitful for the entire Christian people, and therefore, as those who have not yet been beatified...

[*Latin ed. p. 68*]

Acts of the Apostolic See - Official Commentary 68. After the two-year period had been completed, the cause for canonization, which had begun so auspiciously and felicitously, proceeded. Before the sacred prelates, fervent and repeated prayers were offered to the Roman Pontiff, and vows were publicly proclaimed. Indeed, God Himself, as it seemed, wonderfully favored these prayers and vows, by manifest signs and miracles from Heaven; and among the two miracles which were necessary for the cause, healings were presented, which were to be declared to be miracles of true merit; and these, with the intercession of the Blessed Margaret Mary

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Alacoque, were shown to have been wrought by God, the Author of Nature, through a process which was conducted with four distinct actions. Firstly, the matter was discussed in a preparatory Congregation; secondly and thirdly, in two subsequent preparatory Congregations; and finally, on the fourth day of the preceding month of December, in a general Congregation, convened before His Most Holy Lord, Pope Benedict XV. In this Congregation, the Most Reverend Cardinal Anthony Vico, Relator of the cause, proposed the following question for discussion: "Concerning which miracles do we have proof, after the veneration of the Blessed Margaret Mary Alacoque, in the case and to the effect of which we are speaking?" The Most Reverend Cardinals and Consultors each gave their votes, and when His Most Holy Lord had diligently considered them, He decided to postpone His final judgment, and He urged all those present to offer fervent prayers to God in the meantime. But on this most auspicious day, on which the three Magi adored the Infant God, after the sacred mysteries had been piously celebrated, His Eminence, Cardinal Anthony Vico, Bishop of Porto and S. Rufina, Pro-Prefect of the Congregation for Sacred Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, the undersigned Secretary, were summoned to the Vatican, and before them, He solemnly pronounced: "We declare that proof exists of both miracles proposed; namely, of the first, the instantaneous and perfect healing of Aloisia Agostini Coleschi from a chronic transverse meningomyelitis in the lumbar region; and of the second, the instantaneous and perfect healing of Antonia, the widow of Count Astorri of Pavia, from a papillary neoplasm on the right side." He ordered that this decree be made public and recorded in the acts of the Congregation for Sacred Rites, on the eighth day before the Kalends of January, in the year 1918.

[Signature] A. CARD. VICO, S. L. B. E p. Porto and S. Rufina, C. Pro-Prefect.

[Signature] B s. Alexander Verde, Secretary.

[*Latin ed. p. 69*]

The Holy Congregation of Rites, 69 II. DOUBTS CONCERNING SIMPLE OCTAVES. The following doubts were posed to the Congregation of Sacred Rites, and a solution was requested:

I. Whether the Decree of the Sacred Congregation of August 7, 1914, which states that if a votive Mass is to be said within the simple Octave of the Nativity of the Blessed Virgin Mary, the Mass should be read as if on the feast of the Nativity of the Blessed Virgin Mary, with the Gloria, but without the Creed, can be extended to other simple Octaves? And, if affirmative:

II. Whether, within a simple Octave, if a Commemoration is to be observed in the Offices occurring, the Suffrage and Prayers should be omit-

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ted? And, if negative:

III. Whether, at least in the Office of the day of the simple Octave, the Suffrage and Prayers should be omitted?

IV. Whether the Creed, to be recited in the Mass of the feast, whether for a Sunday or an Octave, but of the feast itself, should be omitted in the Mass of the day of the simple Octave of the same feast?

V. Whether the proper Preface of the Mass of the feast should also be recited in the Mass of the day of the simple Octave of the same feast?

The Sacred Congregation of Rites, having heard the opinion of a special Commission, and having carefully considered the matter, decided that the following answers should be given:

To I: Affirmative.

To II: Negative.

To III: Affirmative, according to the Rubrics of the new Typicon of the Breviary.

To IV: Affirmative.

To V: Affirmative.

And thus it was written and declared, on January 18, 1918.

[Signed:] ANTONIUS CARD. S. B. VICO, Archbishop of Porto and Santa Rufina, Pro-Prefect.

Alexander Verde, Secretary.

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis - Official Commentary of the AGTA of the Sacred Roman Rota of LUGDUNUM. NULLITY OF MARRIAGE (GUENARD-IAVELLE). Under Pope Benedict XV, in the third year of his pontificate, on April 2, 1917, the Most Reverend Fathers, William Sebastiani, Dean, Ponens, Raphael Ghimenti, and Maximus Massimi, Auditors at LUGDUNUM, in the cause of LUGDUNUM - Nullity of marriage, concerning the appeal of the Defender of the Marriage Bond ex officio of the LUGDUNUM Curia, between Margaret Guenard, represented by her legitimate procurator, Nazaren Patrizi, advocate, and Joseph Iavelle, with the intervention and dissent of the Substitute of the Defender ex officio of our Tribunal, rendered the following final judgment. Margaret Guenard, residing in LUGDUNUM, was first acquainted by Madame Belgrand, who enjoyed the friendship of the Guenard family, and then proposed marriage to Joseph Iavelle. Margaret rejected the proposed marriage on both occasions. However, her mother did not merely use persuasion, but resorted to arguments, threats, and beatings, until the marriage was celebrated on November 24, 1890, in the parish of Semur-en-Auxois, in the diocese of Divionensis, when the bride was twenty years old and the groom was thirty. The marriage did not have a happy

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outcome, especially because the husband, a Notary by profession, was very luxurious, maintained old affections with his mistress, had fathered a child by her, and, neglecting his own duties, was burdened daily with debts. For these reasons, a separation of property was first obtained from the civil court (1902), then a separation of the spouses (1907), and finally, at the request of the wife, a divorce (1912). In the meantime, Margaret, working as a nurse, met an elderly man, and the sick man, captivated by the nurse, entered into a civil marriage with her, as they say. Subsequently, Margaret, wishing to resolve her conscience, requested the LUGDUNUM Curia to declare the marriage contracted by her with Joseph Iavelle null, based on the grounds of coercion and fear, and the Curia rendered a judgment favorable to the plaintiff on December 3, 1915.

[*Latin ed. p. 71*]

The Roman Rota, in its judgment 71, has ruled. Consequently, as a matter of law, the defender of the marriage bond from the Archdiocese of Lyons has appealed to the Holy Auditorium, and today the case is again presented for discussion under the customary formula of the question: Does a nullity of marriage exist in this case? The law pertaining to this matter is as follows: The Fathers have noted that a marriage celebrated under the influence of fear is null, at least according to canon law. Indeed, Pope Alexander III, in chapter 14 of the title "De Sponsalibus et Matrimoniis," states: "Where there is no place for consent, where fear or coercion intervenes, it is necessary, where the consent of each is required, that the matter of coercion be removed. Marriage, however, is contracted solely by consent, and where it is questioned, it must enjoy full security, and the intention of the person must be investigated, lest, through fear, he say that he consents to what he hates, and follow the consequences that usually result from unwanted marriages." However, not every fear is to be considered. For, according to the common teaching of the canonists, fear must be: a) grave, or falling upon a constant man, at least for that person who is afraid; b) unjust; c) external; and d) directed at extorting marital consent. Furthermore, what is called "reverential" fear, which originates from the reverence due to the one to whom one is subjected, must also be considered, provided it is qualified; that is, provided that to this fear are added insistent prayers, reprimands, harsh words, etc., as the Holy Auditorium has constantly held. Now, to the facts. Firstly, from the records, it is clear that Margaret Guenard never had the intention or purpose of entering into marriage with Joseph Lavelle, but consistently manifested an attitude that was as far as possible from him. It is known that in the presence of such aversion, violence is presumed and freedom is restricted, as the Roman Rota stated in judgment 326 against Ludovico, and as Cosci, in "De separ. thor.," I, chapter 8, number 54, writes: "On the part of the woman, fear is said to be proven by witnesses, if they testify... about her aversion towards her spouse before

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and after the marriage." Margaret manifested her aversion towards Joseph Lavelle through words and actions. Firstly, through words. "She constantly manifested to me, and to those who approached her, that she would rather not marry than marry that man," said Maria, the actress's sister. To the teacher, Maria Ludovica Marcorelle, she frequently said: "He (the fiancé) disgusts me. I will never do it... she said. If I could escape this fate, I would." The same was said to Isidora Donat, a friend of the Guenard family: "She often told me that she did not love him and that she did not want him as her husband... I tried to show her the advantages (pro-

[*Latin ed. p. 72*]

72 Acta Apostolicae Sedis - Commentarium Officiale « having entered into the marriage), but she always resisted." And Madame Elisa Maillard: "She always manifested her repulsion for Monsieur Iavelle." This repugnance was so great that the children of Joseph Iavelle were abhorred by her in mind and heart: "She, to Monsieur Marcorelle, said to me, as to all the 'friends,' that she did not want children from Monsieur Iavelle. She loved children very much, but she did not want them from that man." This is confirmed by I. Donat: "It was out of antipathy for Monsieur Iavelle that she did not want 'children, and only from him.'" The words and deeds are entirely consistent. Margaret's tears continued, as Madame Marcorelle asserts: "Every 'day I saw her eyes red," and she knelt before her mother, begging that she not be forced to marry Monsieur Iavelle; which is testified to by Madame Guinard: "She had thrown herself to her knees to beg her not to 'oblige her to marry Monsieur Iavelle.'" It is no secret what care the betrothed themselves have for their own well-being; but Margaret, during the betrothal, did not want to think about such matters, completely leaving the matter to her mother. In this regard, the actress's sister recounts: "She never took care of her 'dowry. I remember in particular a scene about this. We 'were in the study room, my sister, Mademoiselle Marcorelle, our professor, and 'me. Someone came to ask my sister a detail about the dowry. She replied 'that my mother having ordered everything, one had to address herself to her for 'that.'" Because, as the witness Marcorelle adds: "Everything that reminds me of 'this marriage makes me horrified.'" Margaret accompanied her mother to Paris to buy the necessities for the marriage, but, according to the cited witness, "she did not 'want to take care of anything.'" Finally, from this testimony, we learn that she never wanted to wear the engagement ring: "She 'never wanted to wear the engagement ring, nor her wedding band.'" The same is reported by Marcorelle, Maillard, and Marlet. It is not surprising that Margaret had such antipathy and disgust for Joseph. For she was "distinguished, extremely intelligent, very refined, very good." But he, according to the accounts of the spouses Egraz: "Had an 'unpleasant physique, vulgar manners, he was a libertine... a 'boor, coarse, unpleasant, negligent in his attire... of very ordinary intelligence, and with-

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out taste for intellectual things.'" Notwithstanding Margaret's aversion, her mother stubbornly wanted the marriage, not only because of her exaggerated ambition to place her daughter in marriage before all her peers, but also because, since the Guenard family was honored in the town of Semur, it seemed a good thing for her daughter to remain there. Hence, since she could not overcome her daughter's repugnance with persuasions and advice, she resorted to her own person, to the man, before the marriage.

[*Latin ed. p. 73*]

The Roman Rota, in case number 73, found that the mother acted against her daughter: "The actress's sister stated, 'She was always raising her head towards my father,' and Isidore Donat stated, 'He [the father] ended up taking sides against her'; secondly, she prevented Margaret from receiving Holy Communion, even with her own sister. Regarding this, she stated: 'My mother... separated us for about ten days. She also prevented my sister, for a month, from seeing the Maillard family, whom she used to visit twice a week. She constantly reproached me for supporting my sister'; thirdly, after the sequestration, the mother was able more easily to exercise authority over her daughter through reprimands, threats, and beatings, which continued throughout the entire period of the engagement. Almost all the witnesses examined testified to this. Thus, the actress's sister, frequently quoted, stated: 'She did not threaten to throw her out of the house, but the threat of the convent was constantly repeated for nearly six months, until the engagement. Several times she slapped my sister in my presence... I remember a violent scene that my mother created one night. We were heard talking about my sister's marriage, and she surprised us at the door, protesting to me. She suddenly entered, pulled my sister out of bed, and struck her violently. She went to fetch my father, who arrived furious and struck my sister as well.' And the witness Marcorelle stated: 'Almost every day, upon my arrival, Margaret would tell me, 'I've had another scene with my mother.' She threatened to lock her away in the convent. Several times she even told her, 'It's not in the convent that she should be locked up, but in a lunatic asylum.' And she called her a 'faithless daughter.' And further: 'I have often seen traces of violence on Margaret's wrists, and this child told me, 'My mother has squeezed my wrists again.' She often told me that her mother had slapped her.' The same was reported by Donat, Maillard, and Marlet. In addition to this, there is the mother of Margaret's confession, which carries the greatest weight, because in matrimonial cases, the confession of those who instilled fear is to be preferred over all other witnesses, since they speak of their own experience. Indeed, Cecily Bonnet, in the world, Adulpha in religion, infirmarian at the Guenard family, stated: 'She [the mother of Margaret] often told me, when I was caring for her, 'I have a mortal regret for having forced my daughter to marry." She had painful pangs of conscience. At the time of a Mission, she confided in a

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missionary, Father Dunoyer, about her suffering, which was like a despair to her, and the missionary had to encourage her greatly. She said: 'I forced that little girl to marry... She confessed to me that she had done everything to force her daughter into this marriage; even that she had struck her, and had had her struck by her husband... 'I made that child marry; she did not want to.'

[*Latin ed. p. 74*]

74 Acta Apostolicae Sedis - Commentarium Officiale « she did it because I had it done for her: she did not want that man... ». And the witness Donat states: « In her letters, Mrs. Guenard admitted several times that she regretted having forced her daughter into that marriage ». Finally, Mrs. M. Lambert Detrey: « Every time she came to see me after the marriage, Mrs. Guenard ceased to lament before me about having forced her daughter to marry Mr. Iavelle. She told me that she was ill; and upon learning of her death, my first thought was that she had died of grief over having brought misfortune to her daughter ». Furthermore, this manner of acting by Mrs. Guenard was in accordance with her nature and character; for, as was stated by the sister of Margaret, « she had an authoritarian, domineering, and even proud character. Everyone yielded to her, even my father. It was my mother who ruled everything. We, the children, did not even try to resist ». « Her character, adds Marcorelle, was complex. Extremely amiable, when she wanted to be; she was generally capricious, and above all very authoritarian, tolerating no other authority in the house than her own ». Nor does Donat testify otherwise: « She was severe with her daughters, and at times her severity went so far as to outbursts and violence, even brutality ». On the contrary, Margaret is said by all the witnesses to have been « very yielding, very obedient, incapable of resisting her (mother)... her character had been absolutely molded by her mother ». Therefore, since the actress was unable to resist her mother's authority, and, whatever means she lacked to bend her mother's will, in order to free herself from the marriage with Iavelle, she often thought of death. This is asserted by Maillard, Marcorelle, and the actress's sister, who stated: « She often told me that she would like to die... She told me, near a railway track: "I would rather throw myself under a train than marry." She repeated this to me daily ». This constant resistance of the bride and the mother's coercion continued until the day of the wedding. In addition, Donat states: « There was a natural antipathy, which worsened as she came to know him more and more, and which was aggravated by the pressure to accept him ». And Mr. Marcorelle: « Her dispositions towards Mr. Tavelle were as bad as possible, and they never varied... The closer the moment approached, the more frightened she was ». This is confirmed by Maillard: « The closer the date of the wedding approached, the more sad she was; she looked like a condemned woman, consumed by grief ». Therefore, it is not sur-

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prising that on the day of the wedding, the actress appeared completely sad. Indeed, as her sister recounts: « She looked like a woman condemned to death. This attitude was very noticeable by those present ». Hence, the quoted Marcorelle: « Throughout the day of the

[*Latin ed. p. 75*]

S. Romina Rota 75: "Concerning the marriage, Margaret was sad. I only attended the Mass." And a little earlier, questioned by the judge: "Do you believe that Miss Guenard gave 'to the Church a free and full consent, or, on the contrary, a coerced consent, under the influence of fear and threats?'" She replied: "Certainly, Margaret gave a coerced consent under the influence of fear and threats." After the initial marriage, the coercion ceased, but Margaret's aversion to her husband persisted. Indeed, it is known that she was questioned by her own instructress after the voluptuous nuptials: "Are you content? Are you experiencing pleasure?" To which Margaret replied: "Pleasure? Oh, how often I said: 'If only the train could crush me!'" We also know from Madame Marlet that Margaret never called her husband "my husband," but only "him." Furthermore, even after the initial marriage, Margaret continued to intend not to have children with Joseph Lavelle, as reported by the aforementioned witness, Madame Marlet: "I received, both before and after the marriage, this confidence: that she would never have children from her husband, because she would detest them as she detested him." The same is related by the nun Bonnet, the infirmarian: "About a year after the marriage, the Superior of my community, while studying Monsieur Lavelle, asked him if he had any children. He replied: 'She doesn't want any. Pray for us, because she doesn't love me.'" Finally, when Margaret fell ill, an illness that lasted for eight full months, the nun infirmarian, along with her sister, Maria Egraz, and Monsieur Marcorelle, attributed the cause of the illness "to the grief she felt from this marriage," especially because Margaret did not even suspect the nullity of her marriage; she said: "I did indeed believe that I was entering into an indissoluble marriage. I thought it was over, that I would be unhappy for the rest of my life." From these words, it is also explained why the marriage was not quickly annulled, and why it happened rather by the will of the husband than by the will of the wife. Therefore, all the circumstances, whether antecedent, concomitant, or subsequent, to the celebration of the marriage, support the conclusion that the marriage of Margaret Guenard with Joseph Lavelle was celebrated under grave, at least reverential, fear. Having considered all of this in law and in fact, We, the undersigned Auditors sitting for the Tribunal, and with only God before our eyes, invoking the name of Christ, do hereby decide, declare, and pronounce: That the marriage is null in this case, or, in response to the question of whether there is doubt concerning

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the matter: Affirmative.

[*Latin ed. p. 76*]

76 Acta Apostolicae Sedis - Official Commentary. We command the Ordinaries of places and the ministers of the Tribunals to which this pertains, that they demand the execution of this our definitive sentence, and that they proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3 of session 25, concerning reform, of the Council of Trent, employing those executive and coercive means which shall appear more efficacious and suitable for the circumstances. At Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 2nd of April, 1917. William Sebastiani III, Dean, Proposing. Raphael Chimenti. Maximus Massimi. From the Chancery, 14th of April, 1917. Rev. T. Tani, Notary.

[*Latin ed. p. 77*]

The Pontifical Commission for the Authentic Interpretation of the Code's Canons, 77. THE PONTIFICAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF THE CODE'S CANONS, CONCERNING THE RESOLUTION OF DOUBTS. The Commission, instituted by the Supreme Pontiff for the authentic interpretation of the Code's canons, in a plenary session held on December 9, 1917, decided that it should respond only to doubts proposed by Ordinaries, and by Superiors Major of Religious Orders and Congregations, etc., and not to those proposed by private individuals, unless through their own Ordinary. Rome, December 9, 1917. P. CARD. GASPARRI, President. Aloysius Sincero, Secretary.

[*Latin ed. p. 78*]

78 Acta Apostolicae Sedis - Official Commentary of the DIARY OF THE ROMAN CURIA, Sacred Congregation of Rites. Tuesday, January 15, 1918, in the Apostolic Palace at the Vatican, the Ordinary Congregation was held, in which, for the judgment of the Most Eminent and Reverend Lords Cardinals composing the same, the following matters were presented:

1. Introduction of the cause for beatification and canonization of the Servant of God, Anne Maria Lapini, Foundress of the Institute of the Poor Daughters of the Sacred Stigmata.

2. Confirmation of the cult, for a long time immemorial, rendered to the Servant of God, Nonio Alvarez Pereira, Lay Professed of the Order of the Discalced Carmelites.

3. Approval and granting of the Mass and the proper Office in honor of the Blessed Anna of St. Bartholomew, Professed Religious of the Order of the Discalced Carmelites.

4. Concerning the revision of the writings of the Servant of God, Maria Assunta Pallotta, Professed Religious of the Institute of the Franciscan Missionary Sisters of Mary.

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5. And concerning the revision of the writings of the Servant of God, Domenico Spatafora, Professed Priest of the Order of the Preachers.

SECRETARY OF STATE, APPOINTMENTS:

By tickets of the Secretary of State, the Holy Father deigned to appoint:

January 11, 1918.

The Most Eminent Cardinal Anthony Vico, Protector of the Institute of the Handmaids of the Immaculate Heart of Mary, of Lerida.

The Most Reverend Fathers Alberto Grammatico, of the Carmelites of the Ancient Observance, and Francesco Laner, of the Conventual Friars Minor, Consultors of the Sacred Congregation of the Sacraments.

The Most Reverend Fathers Stefano Ignudi, of the Conventual Friars Minor, and Anthony Delpuch, of the Missionaries of Africa, Consultors of the Sacred Congregation of Seminaries and Universities.

[*Latin ed. p. 79*]

Diarium Romanae Curiae 79, 25 Ianuarii, 1918. R. P. Thomas Rodríguez, Prior Generalis Congregationis Romanorum Augustinianorum, Consultor Sacrae Congregationis Concilii. 26. D. Garlo Pietropaoli, Archiepiscopus titularis Galcidis, Consultor Sacrae Congregationis Sacramentorum et Sacrae Congregationis Negotiorum Ecclesiasticorum extraordinarium. Per litteras Secretarii Status, Sanctissimus Pater dignatus est promovendum: 5 Ianuarii, 1918. D. Clemente Micara, a Nuntio secundae classis ad Nuntium primae classis. Per Brevia Apostolica, Sanctissimus Pater dignatus est nominare: Assistentes ad Sedem Apostolicam: 20 Decembris, 1917. D. Riccardo Lacy, Episcopus Middlesborough. 17 Ianuarii, 1918. D. Claudio Bardel, Episcopus Séez. Protonotarii Apostolici ad instar participantium: 21 Decembris, 1917. D. Crescente Errazuriz, ex archidioecesi Santiago del Cile. 22 Ianuarii, 1918. D. Francesco Negroni, ex dioecesi Acqui. D. Angelo Luigi Lepeltier, ex archidioecesi Rouen. Praelati Domestici S. S.: 13 Augusti, 1917. D. Carloto Fernandes da Silva Tavora, ex archidioecesi Marianna. 8 Ianuarii, 1918. D. Alessandro Tonnarelli, ex dioecesi Matelica. 17. D. Emilio Périer, ex archidioecesi Rouen. D. Ernesto Prudent, eadem archidioecesi. 19. D. Zeffirino Lahaye, ex dioecesi Nicolet. HONORES. Per Brevia Apostolica, Sanctissimus Pater dignatus est conferre honores sequentes: Commendationem Ordinis Sancti Gregorii Magni, classe civili: 30 Decembris, 1917. Domino Eugenio Cisterna, ex dioecesi Albano. 3 Ianuarii, 1918. Domino Edoardo Cash, ex dioecesi Leeds. 17. Domino Paulo Gilles Guillard, ex archidioecesi Rouen.

[*Latin ed. p. 80*]

Acta Apostolicae Sedis - Official Commentary 80

II. Knighthood of the Order of St. Gregory the Great, civil class: December 19, 1917.

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To Mr. Carlo Decristoforis, of the diocese of Casale.

December 30, 1917.

To Mr. Rodolfo Klein, of the archdiocese of Vienne.

January 4, 1918.

To Mr. Vittore Lespine, of the archdiocese of Toulouse.

January 17, 1918.

To Mr. Edmondo Giorgio Morin, of the same archdiocese.

To Mr. Ludovico Delamare, of the same archdiocese.

To Mr. Antimo Donnay, of the same archdiocese.

To Mr. Carlo Pietro Desiderato Gonet, of the same archdiocese.

January 23, 1918.

To Mr. Francesco Turchi, of Rome.

The Cross of the Order of St. Sylvester Pope: January 15, 1918.

To Mr. Giovanni Franco Monteiro, of the Patriarchate of Lisbon.

Knighthood of the Order of St. Sylvester Pope: June 18, 1917.

To Mr. Stanislao Szwajkart, of the archdiocese of Chicago.

DOMESTIC CHAPLAINCY OF HIS HOLINESS

BY ORDER

With letters from His Eminence, the Monsignor Chamberlain, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

December 7, 1917.

Monsignor Balduino Migliarese, of the archdiocese of Benevento.

December 31, 1917.

Monsignor Carlo Smith, of the diocese of Plymouth.

January 4, 1918.

Monsignor Cesare Pecorari, assistant in the Holy Congregation for the Propagation of the Faith.

January 10, 1918.

Monsignor Federico Northcote, of the diocese of Southwark.

January 18, 1918.

Monsignor Lino de Sousa, of the diocese of Cochin (Eastern India).

January 25, 1918.

Monsignor Teodorico De Angelis, of the archdiocese of Benevento.

Honorary Chamberlains in peacock blue attire to His Holiness:

January 4, 1918.

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Monsignor Gregorio Rensing, of the diocese of Münster.

January 18, 1918.

Monsignor Gaetano Delafontaine, of the diocese of Rouen.

January 25, 1918.

Monsignor Leone Morancé, of the diocese of Mans.

NECROLOGY

January 23, 1918.

Monsignor Luigi Lazzareschi, titular Archbishop of Iconium.

[*Latin ed. p. 81*]

March 1st, 1918. Year X. Volume X. Number 3. ACTA APOSOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE BENEDICT XV. APOSTOLIC LETTER CONCERNING THE RESTORATION OF THE DIOCESE OF LEIRIA.

BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL MEMORY OF THE EVENT:

How greatly the Apostolic See lamented, when, on the thirty-seventh day of September of the year of Our Lord one thousand eight hundred and eighty-one, circumstances led to the suppression of the diocese of Leiria, in Lusitania, which Pope Paul III had established on the twenty-second day of May of the year of Our Lord one thousand five hundred and forty-five; so much the more does it rejoice now, that the passage of time allows the ancient cathedral church to be restored to its former state.

Therefore, with the faithful of that ancient diocese, We, following in the footsteps of Our Predecessors, and after careful consideration, reflecting on how much this would contribute to the growth of the faith and the truth of the Gospel, We have gladly accepted their wishes. For it has always been the duty of the Roman Pontiffs, guided by the divine office conferred upon them, to provide more abundantly for the spiritual needs of the people, according to circumstances and the times.

Having heard the Most Reverend Ordinaries of Lusitania, in the first place the present Patriarch of Lisbon, Our beloved son Anthony, of the Sacred Roman Edict, presbyter, Cardinal Mendes Bello, holding the title of Saints Marcellinus and Peter, and the present Bishop of Coimbra, Our venerable brother Aloysius Coelho.

[*Latin ed. p. 82*]

82 Acta Apostolicae Sedis - The official commentary by da Silva, which is of particular interest, is due to the fact that the ancient Diocese of Leiria was divided among other dioceses by the Most Blessed Pope Leo XIII, Our Predecessor, for many reasons; furthermore, with the consent of others who are concerned, or who may be concerned, and after consultation with Our most beloved sons, the Cardinals, Prefects of the Extraordinary Affairs

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of the Holy Roman Church, We hereby re-establish the ancient See of Leiria. Therefore, We declare that fifty parishes are restored to it, of which twenty-five are to be united with the Patriarchate of Lisbon, and twenty-five with the Diocese of Coimbra, as the Most Blessed Leo XIII ordered, and which have remained under the jurisdiction of the Patriarch of Lisbon and the Ordinary of Coimbra until now. These are the parishes of the following places: Alearía, Aliubarrota (Prazeres), Aliubarrota (S. Vicente), Alpedris, Alvados, Alqueidâo, Amor, Arrabal, Arrimai, Azoia, Baroza, Barreira, Batalha, Garangueira, Carvide, Coimbrâo, Coimeias, Cortes, Erpite, Fatima, Freiscanda, Juncal, Leiria, Maceira, Marinha Grande, Mazzares, Mendiga, Milagres, Minde, Mira, Monte Real, Monte Redando, Olival, Ourem, Paiatas, Porto de Moz (S. João), Porto de Moz (S. Pedro), Ponsos, Parceiros, Requeira da Ponte, Reguengo do Xetal, Rio de Couros, S. Catherina da Serra, S. Simâo, Seica, Serro Ventoso, Souto de Corpalhosa, Vermoil, Vieira, Villa Nova de Ourem. Furthermore, We re-establish the principal city of "Leiria" as the episcopal See, with all the rights and privileges that other episcopal sees in Lusitania enjoy. We elevate the parish church of the Blessed Virgin Mary, assumed into Heaven, to the status of a Cathedral, and We order that a Chapter of six Canons be established therein, with two Dignities, namely: the Deanery and the Cantorship. If it cannot be done immediately, We order that, in place of the Canons, diocesan Consultors be chosen, according to the provisions of canons 423 and following of the new Code of Canon Law. The same Our beloved son, Cardinal Anthony Mendes Bello, will judge whether, in the present circumstances and conditions, it is more opportune to proceed immediately with the establishment of the aforementioned Cathedral Chapter, or to follow what the cited canons prescribe. Furthermore, We wish that, as soon as possible, a diocesan Seminary be established; in the meantime, the Ordinary shall advise those who aspire to the priesthood in the best possible way, by sending them to other Seminaries of excellent reputation. The Episcopal Table shall be established with an approximate sum of five thousand books, which the Parishes have willingly offered; and from the revenues of the Apostolic Indulgences, which replace the ancient Bull of Indulgence; and from the emoluments of the Episcopal Curia.

[*Latin ed. p. 83*]

The acts of Pope Benedict XV, number 83, and also from the offerings of the most pious faithful. We declare this diocese, again constituted, to be a suffragan of the Patriarchate of Lisbon, and, until a new bishop can be appointed to this see, we choose and appoint as its Apostolic Administrator our beloved son Anthony, Cardinal Mendes Bello, Patriarch of Lisbon. And those things which We have decreed by Our Apostolic authority in these letters, it is permitted to no man, at any time, to infringe, or to oppose, or in any way to contradict. If anyone, may God prevent it, should presume

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to attempt this, let him know that he will incur the penalties prescribed by the sacred canons against those who resist the exercise of ecclesiastical jurisdiction. For all of these matters, We entrust and order the aforementioned Cardinal Patriarch, granting him the necessary and appropriate powers, and also authorizing him to delegate another man constituted in ecclesiastical dignity, to carry out the aforementioned purpose, and to definitively decide on any difficulty or opposition that may arise in the execution of this matter; and We impose upon him the obligation to send, within three months, a duly authenticated copy of the execution to the Sacred Congregation Consistorial, so that it may be preserved in the archives of that Sacred Congregation. Finally, We decree that these present letters shall be valid, notwithstanding any contrary provisions, even those worthy of special and express mention. Given at Rome, at St. Peter's, in the year of Our Lord one thousand nine hundred and thirty-seven, on the seventeenth day of the month of January, in the fourth year of Our Pontificate.

Iulius Campori, Apostolic Prothonotary.

Raphael Virili, Apostolic Prothonotary.

Loco ffc Plumbi. Meg. in Cane. Ap., vol. XVI, n. 17.

[*Latin ed. p. 84*]

Acts of the Apostolic See - Official Commentary 84, APOSTOLIC LETTERS, CHAPTER CONCERNING THE CLERGY OF SABINA: "SAINT BLASUS AT NOVAE AND SAINT GILE'S IN THE TOWN OF PALOMBARA," LAWS. BENEDICT XV. For the perpetual memory of the matter. — By Apostolic Letters, *Ad Supremum Ecclesiae*, dated the first of April, in the year 1853, Our Predecessor, Pope Pius IX, having erected the sacred archpriestly church of Saint Blaise in the town commonly called Palombara Sabina, belonging to the Diocese of Sabina, into a Collegiate Church, and having decreed concerning how many and which canons it should consist, and by what title one of them should precede the others in dignity, and what benefits and obligations should be assigned to the order of canons, and by what laws the division of revenues and the choral service should be regulated, these same matters are set forth in the Constitutions of the Collegiate Church, whose erection was finally completed on the first of September, in the year 1864. However, since the decrees then rightly and wisely made could no longer be effectively carried out, given that, by the law concerning the confiscation of ecclesiastical goods, the goods of the Collegiate Church of Saint Blaise were published, almost entirely, and these goods belonged to two canons of Saint Blaise and Saint Giles, and to two canons who were their assistants. Therefore, in recent years, the four remaining canons have repeatedly requested that, since, with the diminished amount of revenues and the reduced number of canons, it is no longer possible in any way to fulfill the obligations of the canons and the choral duties as prescribed, the Constitutions, drawn up in the year

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1854, be amended and the choral service reduced. Now, since the same canons, at the order of our venerable brother, Caietan, Cardinal of the Holy Roman Church, Bishop of Sabina, have prepared a draft or schema of new laws, and since the current Prefect of the order of canons, Lawrence De Angelis, who also assists the canon of Saint Giles in the care of souls, has declared, both verbally and in writing, that he will gladly comply with the wishes of the Ordinary, after careful consideration, and after having heard the Most Reverend and Most Reverend Cardinals of the Congregation of Sacred Councils, and the same Cardinal Bishop of Sabina, we decree the following: I. The Chapter of the Collegiate Church of Saint Blaise in the town of Palombara Sabina shall, for the time being, consist of four canons, that is, two canons of the place and two assistants who are attached to each canon: the first in order of the...

[*Latin ed. p. 85*]

Acta of Pope Benedict XV, 85: Regarding the dignity of the archpriest, henceforward he shall be the pastor for the time being of the Church of St. Blaise. The dignity of the prelate shall cease when the present prelate abdicates from his office and benefice. II. Since the number of canons has been reduced to the extent that the ancient Constitutions of the First Order permitted, in capitular meetings, two votes shall be cast. If, in any matter, the number of votes should be equal on both sides, it shall not be permitted to use this procedure in the future; rather, the matter shall be referred to the Ordinary for judgment. III. Revenues and expenses shall not henceforth be administered jointly; but, half of them shall be assigned to each of the two pastors, and we decree that each shall administer his portion according to the prescriptions of canon law, fulfill the obligations assigned to him, and provide his coadjutor with six hundred annual florins, under the condition that those who are presently serving in the office of coadjutor shall continue to receive the same amount of money annually that they have customarily received until now, that is to say, as we shall express more briefly, the amount that, based on calculations, will be the average of the sums received annually during the preceding five years. IV. Each pastor shall, at his own expense, provide for the divine worship in his own church, and shall also support and maintain the chapels that, within the boundaries of each parish, were formerly under the jurisdiction of the Chapter. Therefore, we command that, in the meetings of the Order of canons to be held shortly, the necessary expenses for this purpose shall be determined, and the matter shall be submitted to the Ordinary for approval. In these meetings, consideration shall also be given to the expenses necessary for the common performance of capitular sacred functions in the church of St. Blaise, and these shall be recorded to be deducted from the total revenues, which we order to be divided between the two pastors. V. Those matters that are now uncertain shall be assigned to the two pastors in their

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respective parishes; provided, however, that they shall share them with their coadjutors, as the pastors themselves shall propose to the Ordinary in writing, and as this Ordinary shall have judged to be fitting. VI. The legate of Giles shall enjoy two hundred and fifty florins and fifty obols, as previously, during the term of office of the prelate Lawrence De Angelis; afterwards, this same legate shall be transferred to the archpriest. VII. The two coadjutors in the care of souls shall now assist each pastor in his parish, as the Code of Canon Law prescribes for cooperator vicars. VIII. The service of the choir shall be so regulated and tempered that the canons shall henceforth only be required to attend Mass with singing, or the conventual Mass, on holy days of precept and other more solemn days of the year, at Vespers on those same solemn feasts, and at the sacred functions of the Greater Week. Penalties, as required by common law, shall be imposed for those who are absent. IX. With regard to sacred functions, according to the customary practice observed by the archpriest in the church of Giles and by the other pastor "in... "

[*Latin ed. p. 86*]

Acts of the Apostolic See - Official Commentary 86: Regarding the Church of St. Blaise, nothing shall be changed; furthermore, the existing practice shall continue with regard to the order of the sacred functions among those same churches, and concerning the taxation of uncertain matters, as they are called: but each pastor, within three months, shall prepare a plan, so that matters may be arranged more easily and appropriately, to be approved by the Ordinary. X. The obligations of Masses, due to circumstances and conditions, we diminish and reduce, so that each canon shall offer one Mass each month; however, for each pastor, the obligation remains to offer a Mass for the people of Fermo. XI. If, in carrying out those things which We have prescribed in these Letters, any difficulty should arise, We grant power to Our venerable brother Caietan, Most Reverend Cardinal De Lai, Bishop of Sabina, to determine what may be more conducive to the glory of God. But all of these things We decree, derogating from the Apostolic Letters *Ad Supremum Ecclesiae* of Pope Pius IX, which We mentioned above, and supplementing them, as may be necessary, with the consent of those whose interests are involved, or who presume to have their own interests, notwithstanding any contrary provisions, even those deserving of special mention or derogation. Given in Rome, at St. Peter's, under the Fisherman's ring, on the day of the month of February, in the year 1918, in the fourth year of Our pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State.

TO THE BIBLIOGRAPHIC SOCIETY, LETTER I TO GOTIFRED DE QUINQUAGESIMO GRANDMAISON, AT THE END OF THE YEAR, FROM THE PRESIDENT OF THE SOCIETY.

Beloved son, greetings and apostolic blessing. — By the letters, with

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which, as is customary, you have requested all blessings for us during the celebrations of the birth of Christ, you have also informed Us that the fiftieth anniversary of the founding of the Society, which you direct, is approaching. This is pleasing to Us; but it is even more pleasing to Us that you and your colleagues wish to make this anniversary a joyful and celebrated occasion, and to renew your zealous intentions. We are with you, beloved sons, in these endeavors, encouraging you. We command that you be accompanied by Us in offering thanks to God, and that these very acts bring about the benefits that your diligence has conferred upon the Church and society. We know for what holy purpose your Society was founded, and how faithfully it has maintained that purpose, and how diligently it has pursued good.

[*Latin ed. p. 87*]

The acts of Pope Benedict XV, page 87, state that by publishing writings, they sow seeds; and those seeds do not cease to incite. However, there is still room for notes. For what times they are, in which the flame of war has for a long time now consumed almost all of Europe, have brought together an immense multitude of people and a great mass of calamities. These cannot be remedied sufficiently by human laws, nor by the prudent counsels of men. The first work to be undertaken will be that of the Church, which, as you know, alone can heal souls, lead them to forgetfulness and forgiveness, and unite them in fraternal charity. You understand to what our prayer pertains. For the evils that have been brought about by this war are contained not only in the devastation of fields, the destruction of flourishing cities, and – let us pass over the rest of this kind – the countless citizens either slain by the sword or wounded, but also in another, most grievous, kind of evil. In these, the mutual charity has been torn from the hearts of many, and almost the new commandment of the Gospel, by which we are commanded to love even our enemies, has been erased. To such an extent has progress been made in this matter that some even wish to measure the charity of a nation by the hatred of those with whom it is at war. In so much fervor of arms, in so sharp a contention of minds, it was easy for the charity of many to cool. But the desires of power and domination that brought about the war have also caused the bitterness and duration of the war itself to be such that there is neither end nor any limit to the animosities, hatreds, and desires for revenge. These things are truly lamentable for all good men, and especially for those of you who, by writing, strive to the best of your ability to reconcile minds, to erase with oblivion those things that can provoke anger, in one word, to lay down arms and hatred. Therefore, in the writings with which you renew your intentions, direct your efforts to this: you will demonstrate nothing more useful to your religion and your state than if, by teaching, persuading, and encouraging, you bring it about that the benefits of future peace

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are more widely perceived by people united in heart and soul. But these things scarcely suffice to express what we mean. For it is not unknown to us that by writing and speaking, we have always sought to promote religion and the state, so that you may carefully and appropriately consider them in these times. Finally, we give you heartfelt thanks for the services you have rendered; and may He who gives seed to the sower and increases the growth of good fruits be with you in your labors. We impart our apostolic blessing, a pledge of our benevolence, in the Lord.

Given at Rome, near St. Peter's, on the eighteenth day of January, in the year 1918, in the fourth year of Our Pontificate.

BENEDICT XV.

[*Latin ed. p. 88*]

Acts of the Apostolic See - Official Commentary 88 n AD R. P. D. XXV JOSEPH MORA Y DEL COMPLENTEM RIO, ARCHBISHOP, ON THE OCCASION OF HIS ANNIVERSARY, GREETINGS FROM MEXICO, AND PRAISE. Venerable brother, greetings and the apostolic blessing. — We cannot but greatly congratulate you on the approaching anniversary of your episcopate, the twenty-fifth, as it offers us a most excellent and desired opportunity to declare the singular benevolence which we feel towards you. Indeed, it is the duty of a paternal heart to wish that you might find yourself established in the seat of honor; for there, certainly, the clergy and the people would follow you with all signs of affection. And rightly so: for you have always perfectly fulfilled all the qualities of a good pastor in the governance of the Mexican diocese, as you did previously in the dioceses of Tehuantepec and Tulancingo; and especially in the most difficult times, your prudence has been evident, along with the greatest constancy in working for the Church, to the benefit of the common good. Therefore, it is scarcely necessary for us to encourage you, who are so outstanding in virtue; for you have the consciousness of good deeds that will refresh you; and you have, which is greater, the expectation of a heavenly reward. But since we hear that you are bearing these hardships so bravely, we must rather praise the kindness of the helping God, than to console your suffering. Therefore, venerable brother, may you celebrate this auspicious day with joy, accompanied by our wishes and the good will of all, so that this very grievous penalty of exile, which you, innocent man, endure, may make you all the more dear. We earnestly pray to Jesus Christ that He may preserve you, as soon as you are restored to your Church, for a long time, and enrich you with the gifts of His grace. As a pledge of these hopes and of our most heartfelt charity, we impart to you, venerable brother, and to your clergy and people, our apostolic blessing with the greatest affection in the Lord. Given in Rome, at St. Peter's, on the twenty-seventh day of the

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month of January, in the year 1918, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 89*]

To Pope Benedict XV, to John de Maria Bonis, Cardinal, to all, and to Farley, regarding thanks from the Archbishop of Neo-Eboracensis, greetings. Beloved son, greetings and the apostolic blessing. — With a grateful heart, we greatly love you, as is fitting, for the good things, and for the [Petriana] stipend, and for the zeal which you have shown in correcting [it]. You rightly judge that, in addition to other concerns, this matter has also arisen from the fact that the necessity of providing assistance has increased, while the ability to receive and request such assistance has diminished. Although these things are true, we are nevertheless glad and give thanks to God, who, even in these difficulties, provides sufficiently for His Church, either by moving bishops to diligently promote the cause of the Apostolic See among the faithful, or by inspiring religious families and men from the secular clergy to be generous to others, not only by example, but also by encouragement. May the testimony of our goodwill and gratitude be the apostolic blessing, which, in return for the services rendered, we impart to you, beloved son, and to your entire clergy and people, with paternal affection in the Lord. Given in Rome, at St. Peter's, on the thirty-first day of January, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV.

To the Bishops of the Austrian Diocese, gathered in a full assembly in Vindobonensis, regarding a common matter, greetings. Beloved sons and venerable brothers, greetings and the apostolic blessing. — What could more gladden Us than if good men strive to adhere more closely to this Apostolic See and to obey Our prescriptions, when factions conspire against the Vicar of Christ, and when they obstruct, with every effort, even the most salutary counsel? Such joy we recently experienced in the letters which you sent to Us from the assembly in Vindobonensis: in which, indeed, your...

[*Latin ed. p. 90*]

90. The Acts of the Apostolic See – We have undertaken this endeavor with a spirit of zeal and obedience, and with the firm intention of promoting the restoration of Christian order. Furthermore, we are pleased that both the recently promulgated Code of Canon Law and Our Letter concerning the preaching of the divine word are of concern to you, and we rejoice that you are dedicated to preserving them faithfully; and we congratulate you on having anticipated Our instructions regarding preaching. – It is a great comfort to Us that, in this time of calamity, Our actions have been so well received by you; and it was fitting, in accordance with the charity of Our apostolic office, that We should strive, not only to alleviate suffering as much as possible, but also to work with all Our power to bring about an end

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to this devastation and the destruction of its people. But if this expression of gratitude pleases you, how much more does the malice of others grieve Us! You know that there are some who, rejecting Our exhortation for peace, attribute the blame for the greater evils to the very paternal love that seeks to guide them. But We, in this matter as in all others that pertain to Our office, are guided by the dictates of duty and religion, not by the approval of men; and with all hope placed in Jesus Christ, who will never fail His Church, We are not moved by these difficulties. Therefore, as long as the war continues, let us persevere – as much as remains – in offering some relief through various acts of Christian charity; and let us strive with you and with all good people to bring about peace, the companion of justice, from Heaven, from whence it must ultimately come.

Given at Rome, near St. Peter's, on the day and in the month of February, in the fourth year of Our Pontificate.

BENEDICT XV.

[*Latin ed. p. 91*]

91. The Acts of Pope Benedict XV, Addressed to the Most Reverend John Dunn, of New York, Whom the Diocese Praises for His Diligence in Managing the Work of Propagating the Faith. Beloved son, greetings and the apostolic blessing. — The benevolence of God, providing opportune assistance to His Church, is clearly evident in what is happening among you in the Work of Propagating the Faith. For, since Catholic Europe, due to a long war, cannot, as it formerly did, so generously support the sacred missions to the barbarians, it is to be wondered at how the generosity of America makes up for what is lacking. This, however, is especially evident in New York; which, among all the dioceses of the Catholic world, already holds the foremost place in this kind of beneficence. Therefore, we give thanks to God, whose impulse and influence certainly brought about this increase in the salutary work. And you, beloved son, most diligent administrator of this work, and all who assist you, we praise; and we understand that the writers of *The Good Work* and *The Catholic News* contribute to this. But, above all, the most deserving praise is due to that most diligent Cardinal Archbishop, who is, indeed, rightly considered the best advocate and supporter of all that is done, holy, pious, and useful, in that vast Archdiocese. Therefore, you, all of you who, by counsel, by work, or by deed, promote this very undertaking, continue to strive to extend the kingdom of Jesus Christ; and, seeking the eternal salvation of the most miserable brothers, you will earn for yourselves an immense reward in heaven. Moreover, as a pledge of divine favors and of Our singular benevolence, We impart, with the greatest affection, the apostolic blessing to you, beloved son, and to all those whom We have mentioned, your associates and helpers. Given

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at Rome, near St. Peter's, on the fifth day of the month of February, in the fourth year of Our Pontificate. BENEDICT XV, 1918.

[*Latin ed. p. 92*]

Acta Apostolicae Sedis - Commentarium Officiale 92. SERMON HABITUS IN URBE XI FEBRUARII MCMXVIII AD PAROCHOS ET AD QUADRAGESIMALIS CONCIONATORES. In annis praeteritis, salutatio Nostra, quam ad praedicores Quadragesimae in Roma dirigimus, semper comitatur exhortatione calida, ut meminerent quae res momenti sint in officio praedicatorum divinae verbi. Hoc anno, talis exhortatio videtur superflua, quia recenti data est Epistula, de gravi argumento sacrae praedicationis, quam ad Episcopatum catholicum, et per eum ad omnes sacros oratores, scripsimus. Dici potest quod sollicitudo Nostra, primum ad filios proximos, deinde etiam ad filios longinquos extenditur. Sed participatio longinquorum in beneficio, ipsi proximo beneficio non detrahit. Num dicetis hoc emulacionem inter eos creare? Præferimus credere quod persuadet filios proximos ut ostendant se, melius quam alii, comprehendisse et apprezzasse momentum beneficii ab communi Patre accepti. Sed in nulla occasione, melius quam in sancta Quadragesima, possunt praedicatori Romani ostendere se thesaurum fecerint normarum et praeceptorum, quae eis et omnibus sacris oratoriis recenter recoluntur, ut fructum bonum ministerii sui assequantur. Iam igitur, salutatio Nostra, affectuosa, ad vos, o dilectissimi filii, qui vocati estis sacram Quadragesimam ad fideles huius almae urbis praedicare, dirigitur, et longe sumus ab eo ut suspiceremus vos necessitatem habere illius veteris Nostrae exhortationis, ut memineretis quae res momenti sint in delicato officio praedicatorum divinae verbi; immo, iudicamus ab vobis, de modo bene praedicandi, illud consilium emanare, quod experientia ad theoriam affert. Fideles per orbem sparsos Romam respiciunt, ut legem credendi et normam operandi habeant: et Roma, ex altitudine hujus Apostolici Sedis, non merito eius qui hic sedet, sed virtute Spiritus Sancti qui eum adiuvat, semper sollicita est ut desiderium populi christiani satisfaciat. Et Nos, o dilectissimi, vestigibus Pontificum qui nos præcederunt in Cathedra S. Petri, renovatis doctrinis de sacra praedicatione, ad fideles scientiam verae legis credendi et sanctae normae operandi assequendam curavimus. Sed, si doctrina Nostra ad solum campum theoriam limitaretur, fortasse non tam efficax esset.

[*Latin ed. p. 93*]

The acts of Pope Benedict XV, paragraph 93, state that, as necessity demands: therefore, add to yourselves the confirmation of practice, and the efficacy, not the substantial value, of Our teaching on the manner of preaching will increase. It seems to us that this thought should be pleasing to the sacred orators, called to preach in Rome during the coming Lent, which

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follows the publication of Our Encyclical on preaching, because it more than ever justifies their title of Our collaborators, and more than ever shows them to be true ambassadors of the Pope to the people of Rome. Nor should you, most beloved, be dismayed by the difficulty of the undertaking, for it is enough to remember who the good preacher is, or, if it pleases you better, from whence comes that which constitutes the good preacher. And We believe that each of you, by considering the words that We are about to say, will recognize himself in the portrait of the good preacher that We intend to present to you. The excellence of the ministry entrusted to the sacred orators depends on the continuation of the work of Jesus Christ. The Divine Savior openly said to the Apostles, and in their person, to all future ministers: "As the Father hath sent me, so I send you" (John 20:21). Then, to indicate in what manner they should continue His mission, which, as He had said before, "came into the world to bear witness to the truth" (ibid., 18:37), Jesus Christ added: "Go ye and preach the Gospel" (Mark 16:15). From this, it is easily understood that, just as He could say of Himself, in the strictest and most proper sense of the word, "I am the light of the world" (John 8:12), so, through His infinite goodness, He could also say "light of the world" to those who, with Him and for Him, were destined to spread the light of truth among the world: "You are the light of the world" (Matthew 5:14). But who does not also understand that the preacher is all the better the more faithfully he continues the work of Jesus Christ, or the more exactly he fulfills His precept? The Divine Master said to the sacred ministers: "Preach the Gospel," and the word of Jesus, as it was perfect and did not need to be completed by others, meant that the good preacher would be he who announced, in a fitting manner, all and only the Gospel! It is only necessary to remember that the Gospel embraces both dogma and morality, in order to deduce that the sacred orator must expound to the faithful what they must believe and what they must do to attain eternal salvation. Almost contemporary with the publication of Our Encyclical on preaching was the promulgation of the new Code of Canon Law; and a canon of this – which is 1347 – wonderfully com-

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis - The official commentary on the office of the sacred orator states that he must expound to the people the two parts of the Gospel, which are the dogma and the moral teaching: In sacred sermons, those things which the faithful ought to believe and do for their salvation must be explained first. It is said: "those things which the faithful ought to believe," and thus the dogma is indicated; it is added: "those things which the faithful ought to do for their salvation," and thus the moral teaching is recalled. But more than on the understanding of the Gospel, embracing both dogma and moral teaching, it is beneficial to insist on that interpretation of the words of the Divine Master: "Praedicate evangelium," by which

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we have said that a good preacher is one who proclaims all and only the Gospel. A whole must be considered not only in its various parts, but also in the individual members of those parts; therefore, in order to proclaim the whole Gospel, the good preacher must expound to the faithful both the dogmas that can fill their hearts with joy, as well as those that must fill them with salutary fear; he must make them admire the divine Mercy, but he must also piously inspire them with fear by reminding them of the divine Justice. He does not deserve to be called a good preacher who, in order to please the audience, would not expound, in its true aspect, or even would remain silent when it was necessary to proclaim, the revealed doctrine concerning the gravity of offenses against God, and concerning the punishments with which those offenses must be punished in time or in eternity. It is evident that such an orator would not proclaim the whole Gospel, but would show that he has forgotten that Jesus Christ has commanded him to teach the observance of all His precepts: "Teaching them to observe all things whatsoever I have commanded you. And behold I am with you all days, even to the consummation of the world." (Matt., XXVIII, 20). To you, O most beloved sons, we need not point out that to grant the title of good preacher to one who has not expounded the whole Gospel would lead us to suppose that no motive of praiseworthy prudence suggested or justified that silence. For in the exposition of Catholic truth, falsehood must never be introduced; but silence about one part of the truth may be tolerated, when there is no obligation to speak about it for the defense of the Faith; indeed, omission should be required when, without achieving any good, one would encounter a very great evil, such as would be the case, for example, by embittering minds already ill-disposed towards the Church. But prudence does not allow us to dwell on this statement, which we do not doubt is a beautiful ornament of those who have been chosen to proclaim the divine word during the upcoming Lent. Therefore, we hasten instead to draw your attention, O most beloved, to the obligation that the sacred orator has to proclaim, as all, so only the Gospel. Perhaps certain orators, not so long ago, had placed in...

[*Latin ed. p. 95*]

The acts of Pope Benedict XV, page 95, mention that some neglect the duty of expounding only the Gospel, as if they had forgotten the obligation to expound it entirely. But who does not see that it would be a highly injurious act towards God for someone to add human words to the divine word, as if that word needed to be completed and perfected by this? The divine Savior, who came to earth to show man the way to eternal salvation, declared the observance of the Gospel necessary and sufficient for that purpose. Now, if a preacher were to lead his listeners into fields not indicated by the holy Gospel, and were to magnify so much the beauty of the new horizons seen in those fields, and were to praise so much the

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fruits ripened in those fields, as to instill in the minds of his listeners the opinion that perhaps eternal salvation is attained by venturing into fields distinct from the evangelical fields, tell us, would not that speaker give Jesus Christ the license of an insufficient teacher? But for this very reason, We would deny him the title of "good preacher," because only he is such who faithfully continues the mission of Jesus Christ and who more exactly fulfills the precepts of Jesus Christ. Oh! how important it is to insist on the obligation that rests upon the good preacher, to limit himself to announcing only the holy Gospel! An ambassador, who, before the sovereign to whom he is accredited, did not expound only what he had received a mandate from his prince to expound, would deserve not to be believed in any part of his embassy, because no one could know when his language was in accordance with the received mandate and when it deviated from it. But are not preachers also ambassadors? They are ambassadors of God to the Christian people; therefore, they must bring to the Christian people only the word of God: if they brought anything else, they would deserve to be disavowed by the Sovereign who elected them as his ambassadors. And note, most beloved, the grave harm that these ambassadors of God would inflict upon the Christian people by adding their own words to the divine word. For the path that Jesus Christ has traced for Christians to reach salvation is the narrow path of penance and mortification. Whoever desires to reach the goal proposed to him must enter this path promptly, indeed, he must run boldly in this path. But there is no doubt that it is difficult to walk on a narrow path, strewn with thorns and briars... To what strong temptation is therefore exposed he to whom another path is indicated, one that is more spacious and certainly less arduous? Let us leave the metaphor, most beloved. The sacred speaker who does not preach only the Gospel, perhaps points out to his listeners a path that is wider, and certainly less arduous, than the one he points out.

[*Latin ed. p. 96*]

96 Acta Apostolicae Sedis - Commentarium Officiale: The faithful executor of the strict precept: To preach the Gospel; but a path that does not lead to the goal, a path that may indeed end in a precipice, must be called disastrous, and he who invites the traveler to embark on that road causes grave harm to the traveler himself. This is true of the preacher who forgets that he must preach only the Gospel. If we did not now address ourselves to a select group of priests, certainly animated by the spirit of Jesus Christ and prepared for the exalted ministry they are about to undertake, we would insist even more on demonstrating that the good preacher must preach all and only the Gospel, because we might recall that the goodness of the Gospel is also deduced from the manner in which it fulfills the purpose of preaching. This purpose, as it corresponds to the redemptive work of Jesus Christ, is well expressed in the words of the Prophet, who said that

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redemption is "directed to remove sin and to bring justice to the earth," *ut finem accipiat peccatum et adducatur iustitia sempiterna* (Daniel, IX, 24). And do we not know that the Gospel, while narrating what Jesus Christ did to accomplish his abundant redemption, also expresses what the divine Redeemer himself taught must be done by his ministers to obtain for the Christian people the fullest participation in the fruits of his redemption? It follows that he who does not preach the whole Gospel implicitly teaches that one can do without a part of what Jesus Christ said is essential to remove sin and to bring justice to the earth; it follows that he who does not preach only the Gospel implicitly teaches that what Jesus Christ said is not sufficient for the universal application of the fruits of his redemptive work. But it is far from our mind to suppose that among the Lenten preachers of Rome there may be anyone who is not determined to expound to the faithful of this beloved city all and only the Gospel. We are certainly convinced that, if today or tomorrow some indiscreet investigator were to inquire about the program of their imminent preaching, they would all answer: "Our program is to preach all and only the Gospel." *Praedicate Evangelium.* And we do not doubt that at the end of Lent, the faithful will be able to attest that all the preachers of Rome have preached all and only the Gospel! Oh! What comfort this gives us! Would you believe it is the comfort that a father has when he sees that his hope of keeping unhealthy foods away from his children is justified? Certainly, we do not exclude this comfort, but rather we add to it a comfort that is equally analogous, that of a father who sees that his children are being provided with the foods that can best promote their development. But our comfort is even greater. For we...

[*Latin ed. p. 97*]

From the Acts of Pope Benedict XV, year 97, we return to what we stated at the beginning. It is quite natural that attention is turned to Rome to observe how the recent prescriptions of the Holy See regarding the manner of preaching are observed there. Oh! When the news can reach the most remote regions of the earth that the Lenten preachers of Rome in 1918 preached nothing but the Gospel, there will no longer be a sacred orator who appeals to an authoritative example to justify his audacity in neglecting some part of the evangelical teaching, or, worse still, in substituting and adding the word of man to that of God. From the beginning, we told you, most beloved, that it should not be difficult for you to confirm with your example the proper character of a good preacher: now you see that strict observance of the precept of Jesus Christ, "Praedicate Evangelium," is sufficient. Therefore, be ever more encouraged in your intention not to deviate from the faithful observance of this precept, and be certain that he who observes it best, best acquires the name of a good preacher. But we do not know how to conclude this discourse without also extending a heartfelt

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greeting to the parish priests of Rome. For those who wish to know how the pontifical decrees regarding sacred preaching are observed in Rome, can turn their attention to them; indeed, we can say that the attention of observers is constantly focused on the parish priests of Rome, whereas it is fixed on the Lenten preachers only during a brief period of the year. Let us give praise to God, let thanks be rendered to God, because the eternal city can boast a college of parish priests who do not ignore the obligation of perfection, all the more so because they are so close to the Apostolic See in the exercise of the sacred ministry. However, we desire to always have new reasons to say, both to the preachers and to the parish priests of Rome: "So let your light shine before men, that they may see your good works, and glorify your Father who is in heaven." Therefore, we invoke the blessing of God upon them both, abundantly and efficaciously. The Divine Master, with the words "Praedicate Evangelium," outlined a complete program for both preachers and pastors of souls. Oh! May no one among our sons, whether in the pulpit or in the parish, whether in private or in public, desire to follow any other program; and may all be comforted by the abundance of the fruits that the Lord grants to those of His ministers who preach nothing but the Gospel. ACTS, vol. X, no. 3. — March 1, 1918.

[*Latin ed. p. 98*]

Acts of the Apostolic See - Official Commentary 98. ACTS OF THE HOLY CONGREGATIONS. SACRED CONSISTORY CONGREGATION. I. NOTICE. It is made known, especially to the Ordinaries of America, that the priest, Laureto De Loreto, from the diocese of Marsorum, in Italy, has, since the year 1913, been suspended from the administration of the sacraments by decree of the Holy See. Rome, from the Secretariat of the Sacred Consistory Congregation, on the 2nd day of February, 1918. G. CARD. DE LAI, Archbishop of Sabina, Secretary. II. CHURCH PROVISIONS. By the decrees of the Most Holy and Divine Pontiff, Pope Benedict XV, the following provisions have been made concerning the churches, namely: February 2, 1918. — To the titular archbishopric church of Scitopolitana, the Reverend Father, Doctor, Americo Bevilacqua, hitherto titular bishop of Rhithymna, has been promoted. — To the titular archbishopric church of Tharonensis, the Reverend Father, Doctor, Ioannes Festa, hitherto titular bishop of Capitoliena, has been appointed. — To the titular bishopric of Domitiopolitana, the Reverend Doctor, Augustinus Migliore, Apostolic Protonotary, General Vicar of the diocese of Nolana, has been appointed, whom he established as Auxiliary to the Reverend Doctor, Agnelli Renzullo, Bishop of Nolana. February 8. — To the titular bishopric of Antipatridensi, the Reverend Father, Doctor, Cyrillus de Paula Freitas, hitherto Bishop of Corumbá, has been appointed. — To the cathedral church of Novae Aureliae, the Reverend Father, Doctor, Ioannes Guilelmum Shaw, hitherto Bishop of S. Antonii, has been appointed. — To the cathedral church of Xylopolitana, the

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Reverend Doctor, Daniel M. Gorman, Apostolic Protonotary, Rector of the Archiepiscopal College of Dubuque, has been appointed.

[*Latin ed. p. 99*]

SACRED CONGREGATION OF RITES

In FLORENTINA

DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF BLESSED ANNA MARIA LAPINI, FOUNDRESS OF THE INSTITUTE OF SISTERS OF THE HOLY STIGMATA.

To the most illustrious ladies, whom the Lord has chosen in these latter times, for the good, solace, and honor of the Church and of society, and for the confusion of the world and its followers, it is fitting that the name of Sister Anna Maria Lapini, of the Third Order of St. Francis, Foundress of the Institute of the Sisters of the Holy Stigmata, should be held in high esteem.

In Florencia, on the 27th of May, in the year 1809, she was born of pious and virtuous parents, Joseph Fiorelli and Rosalinda Pecorai, and was baptized in the parish church of St. Joseph, receiving the name Maria Anna. Under the care and love of her parents, the young girl grew in age and piety, displaying at the same time a most excellent character. Devoted to God, she was diligent in prayer, frequenting the sacraments and the Divine Office. In school, she diligently applied herself to her studies and to feminine arts and crafts, and, with her own industry, she contributed to the support of her family. Docile, modest, gentle, and meek, she shone as an example to her equals; and she easily resolved disputes, both within and outside the home, being thus called a peacemaker.

Moved by the desire to embrace the religious life, she offered herself successively as a novice to the Capuchin nuns, the Poor Clares, and the Carmelites; but, for various reasons, especially on account of her delicate health and her family circumstances, she was unable to fulfill her desire in each case. Her father, who greatly loved his daughter and who was already saddened by the life she desired, although he considered it to be, in his own judgment, the most suitable, sought to prepare her mind for a marriage that would keep her in the world and secure her, adhering to the common counsel of the Apostle Paul, who says: "He who marries a virgin does well."

Meanwhile, a certain young man, John Lapini, whose father, being a neighbor, was joined to Joseph Fiorelli by the ancient custom of friendship, asked Anna to marry him. She refused, and, indeed, in order to better safeguard her purpose, she even considered moving to another house. Her

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father, however, persisted, all the more...

[*Latin ed. p. 100*]

100 Acta Apostolicae Sedis - At that very time, John, who was serving in the military, was obliged to depart. However, as soon as he was released from military service, he renewed his request with the Fiorelli family. Urged on by her confessor, Anne implored the light of the Holy Spirit through nine days of prayer at Spiritus Sancti, so that she might more clearly discern God's will regarding her situation. Having completed these prayers, unable to refuse the repeated request of young Lapini, and after consultation with his parents and his own confessor, she gave her consent, and at the age of twenty-four, entered into marriage with the aforementioned young man, albeit with some apprehension about future hardships and miseries. Truly, the bridal roses contained many thorns, due to the difference in character between the spouses! For the woman's virtues were not only detrimental to the new household and family, but the man's wickedness, whom the Handmaid of God patiently endured for many years, ultimately led him, after a long and serious illness, to a just death. The woman herself, having spent nine years in marriage, and already belonging to the Third Order of St. Francis, after the death of her parents, was received into the home of her brother, and remained there until his marriage. Then, leaving her brother's home, after consulting with her confessor and the Archbishop of Florentiae, the Widow Lapini, following the Pauline exhortation to widows, steadfastly refused a second marriage, although a virtuous and honorable man offered himself to her, so that she might seek only the things of God and be more free to engage in works of piety and charity. In the house where she resided, she devoted herself to manual labor, providing assistance to the sick in body and soul. She herself, however, was afflicted by illness, and barely recovered. She gladly kept with her a woman named Elisabetha Marini, who ministered to her infirmities, and later recognized her as the first member of her Institute. After the uprisings of 1848 and 1849, with the restoration of public peace and tranquility in Hetruria, with the full consent of the Archbishop of Florentiae, the Handmaid of God laid the foundations of a new Institute, with the help of her spiritual director, Father Athanasius a Signa, of the Order of Friars Minor, who attached herself and her companions to that Order, giving them the name "Daughters of the Holy Poor." With solemnity, on the eve of Pentecost in the year 1850, they received the religious habit. In the following year, with the favor of a great leader of Hetruria, Sister Anne opened the first house in Florentiae, the second in Fesulis, and the third in Montecarlo, and subsequently, until the year 1859, she established twelve houses or foundations in various dioceses of Central and Southern italiae. She desired above all a closer union of the Institute with the Order of Friars Minor, and she requested and obtained

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this from the General Minister of that Order. Furthermore, during the year 1854, the Handmaid of God, with the Archbishop of Flo-

[*Latin ed. p. 101*]

5. The Congregation of Rites, through letters of commendation addressed to Minucci and other esteemed individuals, informed Rome of the arrival of Anna and her companions, and they were received with the utmost kindness by the Supreme Pontiff, Pius IX. Indeed, the Blessed Father not only praised Anna and her spirit and work, but also strongly encouraged her to continue her begun journey with zeal, and, as a sign of his benevolence, he appointed Cardinal James Antonelli as Protector of the Institute, and bestowed upon the Institute certain spiritual graces and privileges. In the year 1859, Sister Anna, after having traveled to southern Italy to establish a refuge in Naples, known as "delle Morette," and other foundations in the dioceses of Gaeta, St. Germain, and Nusco, seized the opportunity to return to Rome, and once again saw the Roman Pontiff, who deigned to honor her and her Institute with all praise and congratulations, and to bestow upon them an Apostolic Blessing. The Handmaid of God, filled with the spirit of St. Joseph of Calasanctius, St. Jerome Emiliani, and St. Francis of Assisi, and who, as evidenced by the process records, was exceedingly devoted to the education of young girls, the care of the sick, and all works of charity, saw her Institute spread with a singular blessing from God, especially at a time when the fiercest enemies of religion were conspiring to suppress the Catholic Church and religious orders, which were then flourishing. Finally, Sister Anna, weakened by infirmity and burdened by heavy labors, sensing her approaching death, chose and appointed Sister Bonaventura as the head of the Institute, and she returned to Florence to the larger house of del Portico. There, while suffering from a heart condition and a malignant cancer, and as the force of the deadly illness increased day by day, she displayed outstanding signs of patience, obedience, and other virtues, and, having received the sacraments of the Church with piety, she peacefully fell asleep in the Lord on April 15, 1860; and her body, after a solemn funeral, was buried in the vault of the main house, and was subsequently transferred to a more fitting place. Meanwhile, the reputation of the Handmaid of God for holiness, both in life and after death, has never diminished, but rather has become clearer with each passing day, opening the way for ordinary investigations to be conducted in both the Florentine and Prato tribunals; these were duly completed and strengthened with new documents, and were presented to the Congregation of Rites. Now, since everything is clear, and nothing prevents further progress, the Reverend Father Francisco Maria Paoli, Postulator of the Order of the Friars Minor and of this Cause, and the Reverend Father Seraphino Cimino, Minister General, mindful of the wishes of the entire Order, and attentive to the letters of recommendation

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from certain Eminences, Roman Archbishops, and Bishops, have...

[*Latin ed. p. 102*]

From the Apostolic See – Official Commentary on the Chapters, Orders, Congregations, Confraternities, and Catholic associations. The Eminent and Reverend Cardinal Philip Giustini, of the same Cause, Proponent or Relator, having convened the meetings of the Ordinary Congregation of the Sacred Rites, signed on the day indicated, in the Vatican buildings, proposed the following question for discussion: Whether the Commission for the Introduction of the Cause should be signed, in the case and for the purpose under consideration? And the Eminent and Reverend Fathers, entrusted with the safeguarding of the sacred rites, after the report of the aforementioned Proponent, having heard the voice and the written statement of the Reverend Father Angelo Mariani, Promoter of the Faith, and having diligently considered everything, judged it fitting to state: That the Commission for the Introduction of the Cause should be signed, if it pleases the Most Holy [Pope]. On January 15, 1918: Regarding all of the above, which were reported to the Most Holy Lord, our Pope Benedict XV, by the undersigned Cardinal, Pro-Prefect of the Sacred Rites Congregation, His Holiness, having approved the aforementioned Decree of the same Sacred Congregation, deigned to sign with his own hand the Commission for the Introduction of the Cause of Beatification and Canonization of the Servant of God, Anne Mary Lapini, Foundress of the Institute of Poor Daughters of the Sacred Stigmata, on the 23rd day of the same month and year. A. CARD. S. E. p. Portuen. et S. Rufinae, VICO, Reverend Excellency, Pro-Prefect. L. E. ß S. Alexander Verde, Secretary. II. LISBON. DECREE OF CONFIRMATION OF THE CULT OF THE SERVANT OF GOD, CALCEATORUM, WHOSE CULT HAS BEEN VINDICATED FROM IMMEMORIAL TIMES BY THE REVEREND FATHER PEREIRA, A LAYMAN, BLESSED AND HOLY, OF THE ORDER OF CARMEL, NOW CALLED PROFESSED. The Most Merciful God, who, by His provident and wise counsel, disposes and orders all times, events, and things for His glory and the salvation of mankind, and who has preserved the present condition of public affairs and of Europe, has, in this most excellent cause, permitted that it be brought before the Congregation of Sacred Rites, concerning the confirmation of the cult, which has been offered from time immemorial to the most illustrious man, a pillar of the Portuguese nation, who, no less through his family and his homeland than through the Catholic Church and the Order of Carmel, has been an ornament, through the sanctity of his life and the splendor of his virtues.

[*Latin ed. p. 103*]

The Holy Congregation of Rites, number 103, shone in Lusitania, named Nuno or Nunus Álvares Pereira, a humble layman, a member of the Order

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of Discalced Carmelites. This Servant of God was born in the place commonly called Bomiardim, on June 24, 1360, and, having been suitably instructed in the best morals and disciplines, and having been chosen among the royal youths, he earned the favor of the King and his wife, so that, at the age of thirteen years, and having been enrolled in the military service, and created a knight, he was solemnly invested with the royal arms by the hands of the Queen herself. Heeding the exhortations of his parents and of the King, at the age of seventeen years, he married the most noble Lady Eleanor de Alvim, and had two sons who died prematurely, and one daughter, Beatrice, who, through a legitimate marriage to Cornito of Barcelos and, later, to the Duke of Braganza, gave rise to a numerous progeny, spread far and wide. From him descended many European Princes and Kings, including Emperor Charles V, and, most recently, the King of Lusitania, Emmanuel II. Concerning the knowledge and military virtues of the Servant of God, and his deeds and victories in defending and vindicating the independence and liberty of his country, much and much that is praiseworthy could be recounted, but for the sake of brevity, it suffices to mention a few things that are useful. From the age of twenty-three, when he attained the highest command in military affairs, until the year 1422, the year of Our Lord, he bravely and valiantly fought to liberate his country from hostile incursions and domination; proclaimed an undefeated hero and defender of liberty, he was raised to the highest honors and dignities of the kingdom by the King himself, for his merits. Historical writers of Lusitania, among whom the most distinguished author of the *Agiologia Lusitana*, testify that Nuno received strength and courage from his faith and religion, describing his particular devotion to the Most Holy Sacrament of the Eucharist and to the Most Blessed Virgin Mary, and also recounting the response that the Servant of God would give to those who noted his frequent attendance at the sacred synaxis: "He who desires to see me in battle," said Nuno, "desires to see me at this sacred banquet, in which God Himself, the food of the strong, strengthens men; for from that banquet I am fully strengthened, and I imbue my soul, my courage, and my strength to fight against the enemies." Furthermore, splendid documents and arguments exist concerning the exceptional piety with which he followed the Most Holy Virgin, including the image of the Most Blessed Virgin Mary, which he carried, adorned with military banners, and the six chapels, out of seven that he erected, dedicated to the Mother of God, with solemn Masses perpetually celebrated in them, and the strict fasts that Nuno faithfully observed on Saturdays throughout the year, and during the vigils of the feasts of the Virgin Mary, although destined for combat. Therefore, it is not surprising that the Servant of God was equally chaste and devout in the three states of celibacy, marriage, and widowhood, and that, after the

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untimely death of his wife, he himself,

[*Latin ed. p. 104*]

104 Acta Apostolicae Sedis - Commentarium Officiale. A young man, who had never desired to enter into a second marriage, was, indeed, an example of continence and temperance. He kept the soldiers under his command from the detestable vice, by words, rewards, and punishments, repeatedly adding: "The soldier who is more continent is also more warlike; but he who does not value this angelic virtue has already lost half the battle before he enters the field." Prepared with these virtues and resources, he engaged in battles and achieved victories, which he, as a leader with his army, attributed to the Omnipotent God, praying with a grateful and devoted heart to the Most Blessed Virgin Mary. This man, so laden with trophies, triumphs, and honors, and having vindicated the freedom of his country and religion, considering his spiritual perfection, was moved by the words and example of our Savior God: "If thou wilt be perfect, go, sell thy goods, and give to the poor, and come, follow me," and, aided by His grace, he immediately, with his sword suspended, and worldly riches, pleasures, and honors despised, withdrew within the walls of the Carmelite monastery, which he himself had built and endowed, and in July of the year 1422, to the admiration and edification of all, he put on the habit of Brother Donatus, taking the name of Brother Nonius of the Holy Mary. Considering himself unworthy of the divine benefit of a religious vocation, he was never ordained a priest, nor did he take the vows of a choir monk. Content with the duties and labors of a lay brother, he was heard to say more than once: "In the House of God, there is no insignificant office, but all are primary and excellent; and I have entered to serve, to live a life of labor with the others." Expressing a desire to move the monastery to another location outside of Lisbon and Lusitania, in order to avoid the frequent visits of citizens and illustrious men, and to cultivate a closer conversation with God, this was opposed by the will of the Superiors and of the King himself, to which Brother Donatus yielded and obeyed. It has been historically proven that the Servant of God, in the Carmelite monastery, far surpassed the fleeting glory of war with the true splendor of religious virtues; and, offering examples and proofs of sanctity to the princes of the world, he gave an example of stricter observance to those dedicated to religion. After about ten years of monastic life, feeling death approaching, he prepared himself for the final breath with frequent acts of virtue. On the day of his death, he devoutly received the Most Holy Sacrament, professing his orthodox faith; then he also received the last anointing. Thus refreshed and strengthened, holding a blessed candle in his left hand, and gazing at and kissing the image of the Crucifix, while the Passion of our Lord Jesus Christ according to the Gospel of John was read by a religious, he breathed his last, at the words: "Behold thy mother," on November 1st of the year

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1431. But having noted these things concerning the life and deeds of the Servant of God, with regard to the question of confirming the opinion of his immemorial cult, it must be said.

[*Latin ed. p. 105*]

§. The Congregation of Rites, in its deliberation concerning the Ordinary Process in Lisbon, presented a document on March 7, 1914, to the Sacred Congregation of Rites, stating that the public and ecclesiastical cult rendered to the Servant of God had begun shortly after his death, has increased daily, and continues to this present time, with the permission of the local Ordinaries. Documents from the Patriarchal Curia, from the National Library of Lisbon, from Carmelite annals, registers, and biographies, and other evidence presented, refer to and demonstrate that the feast of the Servant of God has been celebrated annually from the first days of November, with Masses offered by the Confessor, votive tablets and burning lamps attached to his tomb, chapels and altars dedicated to him, images and statues depicting signs of his blessedness or sanctity, whether for private or public veneration, and distributed to the faithful who request them. Furthermore, canonical recognitions and translations of his body and relics were performed in the years 1522, 1548, 1768, 1836, and 1906. There are also accounts of signs and miracles, attributed to the intervention of the Servant of God, which are said to have occurred divinely in favor of the faithful who implored his aid, and finally, supplications from King John IV and King Peter II, and from the Bishops of Lusitania, to the Holy See, seeking the beatification and canonization of the Servant of God, according to established laws and customs.

Meanwhile, the Most Reverend and Most Reverend Cardinal Anthony Mendes Bello, Patriarch of Lisbon, and the Most Reverend Archbishops and Bishops of Lusitania, together with the Reverend Father Gabriel Wessels, General Postulator of the Order of Discalced Carmelites, earnestly requested that the Most Holy Pope Benedict XV, after examining the particular circumstances of the case, grant a dispensation in this cause from the decrees of the Holy Father Pius X, dated November 9, 1912, and January 31, 1913. Therefore, in order that all may be clear and that nothing may hinder further progress, at the urgent request of the aforementioned Order and the Postulator of the Cause, as well as the Prior General, his Vicar, and the entire Order of Discalced Carmelites, and with due consideration given to the petitionary letters from all the Most Reverend Archbishops and Bishops of Lusitania to the Supreme Pontiff, the Most Reverend and Most Reverend Cardinal Vincent Vannutelli, Bishop of Ostia and Praenestinus, Dean of the Sacred College, and Relator of this Cause, proposed the following question for discussion at the meetings of the Ordinary Congregation of the Sacred Rites, held at the Vatican: Whether the judgment of the judge delegated by the Most Reverend and Most Reverend Cardinal Patriarch of Lisbon,

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concerning the cult rendered to the Servant of God Nonius from time immemorial, or concerning the exception from the decrees of the Holy Father Urban VIII, should be confirmed in this case and for the purpose of what is being considered? And the Most Reverend Fathers entrusted with the preservation of the sacred rites...

[*Latin ed. p. 106*]

From the Acts of the Apostolic See – Official Commentary, page 106, after the report of the Most Eminent Prelate, and after having heard the voice and the written statement of the Reverend Father Angelo Mariani, Promoter of the Faith, and after careful consideration by all, it was decided to write: "Affirmative, or to confirm the opinion, if it pleases the Most Holy [Father]." On January 15, 1918. Subsequently, these matters were presented to the Most Holy Lord Benedict, Pope XV, by the undersigned Cardinal, Pro-Prefect of the Congregation of Sacred Rites, and His Holiness approved and confirmed the Decree of the aforementioned Congregation, on the 23rd of the same month and year.

III. TO THE CHURCH OF THE HOLY HEART OF JESUS IN THE CITY, A PRIVILEGE IS GRANTED FOR THE CELEBRATION OF DAILY MISSES FOR THE REST OF SOULS.

In response to the humble and fervent prayers of the Reverend Father Peter Benedetti, pastor of the parish church of the Holy Heart of Jesus in the city, located on the right bank of the Tiber, near the tomb of the Caesars, and also the director of the Archconfraternity for the relief of souls in Purgatory, called the Holy Heart of Jesus and established there, the Most Holy Lord Benedict, Pope XV, desiring to foster the devotion and piety of the Christian faithful, and to increase the prayers offered for the departed through the sacred mysteries, has deigned to grant a special grace, namely, that in the aforementioned parish church, Masses for the Rest of Souls may be celebrated daily throughout the year; with the exception, however, of the double feasts of the first and second class, Sundays, and other feasts of precept, as well as weekdays, vigils, and privileged octaves; all other rubrics remaining in force. Contrary to whatever may be.

On January 30, 1918.

A. CARD. S. VICO,

Archbishop of Porto and Santa Rufina,
Prefect.

L. VERDE,

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Secretary.

[*Latin ed. p. 107*]

Sacred Congregation of Rites 107 IV LAUDEN. CONCERNING THE COLLECTION "FOR A GRAVE MATTER" WHICH IS MANDATORY. Following the publication of the Decree of the Sacred Congregation of Rites, dated December 23, 1914, concerning the collection mandated by the Ordinary for a grave matter, recently arisen in the Diocese of Laudensis, doubts have been presented to the aforementioned Sacred Congregation, by order of the esteemed Master of Ceremonies of the present Diocese, on behalf of his Most Reverend Bishop, for a suitable resolution; namely:

I. Whether, on double feasts of the first and second class, the collection for a grave matter should be recited under a single conclusion with the Prayer of the Mass?

II. Whether, in the Mass granted for the Most Sacred Heart of Jesus, on the first Friday of each month, in which the Mass is said with a single Prayer, the mandatory collection for a grave matter should be recited? And, if so, whether also under a single conclusion?

III. Whether, whenever in the Mass of the day there is some commemoration, the collection for a grave matter must be added to the Prayer of the Mass under a single conclusion; or rather, whether it should be recited after the last commemoration?

And the aforementioned Sacred Congregation, with the support of a most expert special Commission, judged that the doubts presented should be answered as follows:

To I. Negatively.

To II. Affirmative in the first part, negative in the second.

To III. Regarding the first part, negatively, and with the provision in the preceding, regarding the second part, affirmatively.

And thus it answered and declared, on February 16, 1918.

†B A. CARD. VICO, Archbishop of Porto and Santa Rufina, Sacred Roman Order, Pro-Prefect.

L.©S. Alexander Verde, Secretary.

[*Latin ed. p. 108*]

Acts of the Apostolic See - Official Commentary

ACTS OF THE SACRED ROMAN ROTA

I. TREVISO

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NULLITY OF MARRIAGE (MARCHESE-GRANZOTTO)

Under the happy reign of Pope Benedict XV, in the third year of his pontificate, on March 9, 1917, the Most Reverend Fathers, Doctors Peter Rossetti, presiding, Raphael Ghimenti, and Maximus Massimi, Auditors from Tournon, in the case of Treviso – Nullity of marriage, between Virginia Marchese, represented by her legitimate procurator, the lawyer Angel d'Alessandri, and Auxilium Granzotto, who intervened and contested the case as Substitute Defender of the Bond ex officio, rendered the following definitive sentence in the second instance.

Virginia Marchese, daughter of Joseph, residing in Monastier in the diocese of Treviso, on April 16, 1904, before her own parish priest, observing the laws of Trent, entered into marriage with Attilio Granzotto, of the same place, a marriage which had an unhappy outcome. For, after about three years of marriage had elapsed, Virginia, fostering adulterous affections, abandoned the conjugal bed and established a common life with another man. From that time, for almost seven years, Virginia heard that her marriage was probably not valid. Having received this information, she petitioned before the Ordinary of Treviso, requesting that a judgment be instituted according to the law, and that the nullity of her marriage be declared under the grounds of force and fear.

The process was duly completed in the Tribunal of Treviso: but the sentence was issued on May 13, 1915, which decreed: That there is no proof of the nullity of the marriage in this case. From this sentence, the patron of the plaintiff appealed to the Metropolitan Tribunal of Venice, and not only requested the revocation of this sentence, but also impugned its validity due to a substantial defect in the procedure. And indeed, the Metropolitan Tribunal, by means of a sentence of June 15, 1915, which obtained the authority of res judicata, declared the nullity of...

[*Latin ed. p. 109*]

109 The Roman Rota admitted the complaint, and furthermore, supplementing the preceding instruction, on February 14, 1916, declared the marriage to be null and void. Against this judgment, the Defender of the Bond of Venice, by virtue of his office, immediately filed an appeal with the Holy See, which is to be discussed and decided upon in the present session of the Rota, under the usual formula of doubt: Does a marriage exist in this case? Which pertains to the law. – For it is not cohabitation that constitutes marriage, but consent; therefore, those entering into marriage ought to enjoy full freedom, free from fear, lest anyone, through fear, say they consent to what they hate, and thus bring about consequences that usually result from forced marriages (cap. Cum locum; cap. Cum veniens, 15; cap. Consultationi, 28, on betrothals and marriages; cap. 2. De eo qui dux. in matrim.). Hence, a common opinion has arisen among theologians and

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canonists, which teaches that a marriage contracted under fear is null and void; but only when the fear is: 1° directed at extorting the marriage; 2° unjust in substance; and 3° grave, either absolutely, when the danger is grave, which is determined by the harm that threatens, or relatively, when the mental anguish is grave, which arises from the fear of those affected and is considered (S. Thom., 4 dist. 29, qu. unie, art. 3; Sánchez, De matrim., 1. IV, disp. XI; Reiffenst., 1. IV, tit. 1, n. 325; Schmalzgr., 1. IV, tit. 1, n. 386; D'Annibale, Summ. Theol. Mor., III, § 315, Edit. II; Gasparri, De matrim., II, n. 938 sq., edit. IV). A grave fear is said to be one that falls upon a steadfast man (cap. 15 and 28, De spons. et matrim.; and cap. 6, De iis quae vi metusve causa fiunt). In order that such a fear may be considered, the five conditions designated by Sánchez (lib. IV, disp. 1, num. 10) are reduced to two: 1° that the impending or future evil is grave for that person who is afraid; so that he cannot endure it; and 2° that this person believes that this evil threatens him (Gasparri, 1. c, n. 940); therefore, in determining the gravity of the fear, not only the objective consideration of the threatened evil must be considered, but also the nature and character of the person who is afraid of that evil: indeed, even the person to whom the evil threatens must be considered. "The gravity of fear arises from the nature of things, from the quality of those from which they proceed, and from those who are said to suffer them" (Instruction of the Holy Office, June 2, 1883). A slight fear is not considered (LL. 6, 7, 8, Quod metus causa, cap. 6, De iis quae vi metusve causa fiunt); and rightly so: for no one is presumed to have been compelled by such fear. Such fear is not considered, even in the forum.

[*Latin ed. p. 110*]

110 Acta Apostolicae Sedis - The Commentary is official, but neither externally, nor internally, in any other way than some believe; for the Church simply and indiscriminately does not recognize marriages because of a grave fear (Gasparri, op. cit., n. 945; Wernz, IV, n. 263 in note). Even a reverential fear can be grave in the case of marriage, not in itself, but due to accompanying circumstances. "Reverential fear," says Wernz (De matrim., title 8, n. 264), "is either not fear at all, or, if it is fear, it is 'only slight, and does not invalidate the marriage.' But if other circumstances are added, such as the fear of perpetual indignation, persistent and importunate prayers, and similar circumstances, reverential fear becomes qualified, and truly grave; and therefore, it invalidates the marriage." This is also taught by Reiftenst., I, Decret., title 40, n. 95; Schmalz., in I, Decret., title 40, n. 5; Sánchez, book IV, disp. XV, n. 14; Gasparri, op. cit., II, n. 943; d'Annibale, vol. I, § 138, n. 14 in note. This has also been frequently declared by the Sacred Congregation of the Council, and the Holy Office has maintained this, as in Parisien., February 20, 1910; in another Parisien., March 13, 1911, and in others, which are omitted for brevity. He who alleges fear has against him

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a presumption, given the favor of the law which the marriage enjoys; and therefore, the burden of proof rests upon him to provide stronger and more conclusive evidence (Rota, decree 117, n. 8; decree 290, n. 1; decree 469, n. 3; decree 45, n. 7, p. 4, vol. I). Therefore, "no consideration should be given to alleged exceptions when they are not so compelling and effective that they immediately and conclusively demonstrate the alleged nullity, either due to a lack of free consent, or due to another invalidating cause" (Rota, before Ratto, decree 149, § 1). As for the facts. - Indeed, the Most Reverend Fathers Auditors have held that the fear alleged in the case was not proven by the acts to have actually existed. Certainly, Virginia initially presented more evidence, which, by trustworthy witnesses, was not admitted as false; whether she affirmed these things in bad faith, or for some other reason, there is always reason to doubt whether the same should be held true when she presented the fear that was allegedly instilled in her, and consequently, whether this affirmation deserves to be believed. But then, Virginia herself stated that her parents did not exceed the bounds of persuasion and exhortation; for, before she contracted the marriage, they tried hard to persuade her that marriage with Attilio Granzotto would be very beneficial to her, and, once the betrothal had begun, they insisted that it should not be broken, and that it would be very inconvenient to refrain from the marriage. "My mother," said Virginia, "tried to persuade me that the conditions offered by Granzotto were very advantageous to me, and that I would not find anything better than that... and it is good, and you must marry him." Her father confirms this, saying: "On our part, we believed that the marriage would be..."

[*Latin ed. p. 111*]

The Roman Rota, in its third decision, states: "It is possible to achieve a happy outcome; indeed, I called my daughter aside and told her that before taking a step, one must consider it; it seemed to me that 'it is for you'; but do what is pleasing to us.' After hearing these words, when Virginia had entered into a betrothal, it was fitting that she should keep the promise she had made, and the parents ordered that this be observed. The actress adds: '...I accepted the rings.' That same evening, upon my return, my mother said to me: 'Now you must get married, and you must not play games anymore.' Virginia's father said: 'I did not make threats before she received the rings, nor did I exert pressure; but afterwards, I always said that she must be respected and of good character. And so, everyone in the family said it, including my father, who is 92 years old.' And elsewhere: 'At first, we allowed her to consider other suitors; but when she received the rings, I told her that she could no longer joke around, but must be serious.' The mother acted in the same way; indeed, when the Marquis Joseph was questioned by the judge, he replied: 'Do you think that your wife exerted pressure on your daughter to marry the Granzotto?' He answered openly: 'Not at

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all! I can say that she told her: 'Think about it' (and laughing), 'I also have one from my mother' (referring to himself).' Indeed, parents have the right to give advice to their children, and it is incumbent upon them to follow such advice when it is reasonable and just; and in this case, such advice was truly of that nature, since it urged Virginia either to consider her own benefit or to keep the promise she had made to her fiancé, and there were no threats. Therefore, it cannot be said, with respect to fear, that it was instilled. When, however, fear is hidden in the heart, it is only revealed externally through actions that have a reason related to it, as if to an effect; therefore, the specific actions must be established, and what induced them, so that a general affirmation is not sufficient (Glossa, 1. interpositas V. nec tamen c. de transad.). Therefore, Cosci says: 'However, fear is not proven for the purpose of annulling a marriage by witnesses who do not state the circumstances of the threats; for they must testify about the fear, and about the fear concerning which the case is being heard, otherwise their testimony is irrelevant' (De spons., c. 8, n. 61 sq.). Now, neither the actress nor any of the other witnesses who were questioned about this matter, besides making general statements, have assigned any specific facts. Virginia herself said: 'My mother tried to persuade me... when she saw me talking to other young men, she would make scenes... she often repeated the same violent scenes... I cried out of anger at not being able to free myself from the insistence of my parents.' Her brother, Aloysius, said: 'She didn't go to the wedding willingly.' Anne Cappelletto said: 'I cannot specify what kind of threats and pressures took place because there were always disagreements on this point. More than advice, they were always pressures.'

[*Latin ed. p. 112*]

112 Acta Apostolicae Sedis - Official Commentary "for the good of the girl." Joanna Zanetti Moretto stated that Virginia, and indeed after the marriage, said that she was "pushed by the pressures and demands of her father and mother... that Granzotto had married her, compelled by her father and mother." Almost the same thing was said by Joseph Rizzetto, Virginia's brother Aloysius, and others. In these depositions, it does not appear what specific vexations were employed; therefore, it cannot be determined whether and how Virginia's mind truly trembled. On the other hand, there are other witnesses who have testified to the contrary. Clementina, the actress, the sister, who lived with her father in the same house and knew everything, said: "I do not know that the parents made any threat or violence to her sister... the brother and sister (Virginia) freely and of their own accord entered into marriage." Her father, Joseph, when questioned by the judge as to whether his wife made pressures on his daughter to marry Granzotto, replied: "Not at all." And Adeles Pantoait said: "On my part, I do not believe that (the mother) forced her into that marriage." However, the archpriest Gobbo

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stated that several people affirmed that they had never heard "that the marriage was forced." Therefore, the same archpriest was able to affirm: "From what I was able to ascertain from my own private investigation, there were no real pressures from the family." It is also not relevant that Virginia said that there were beatings: "I remember that on the day of the *Sagra* of Prolongo (September 8th), because I did not want to deal with Granzotto, after lunch I went to rest... The mother came to call me at three in the afternoon because I had to please Granzotto, and having refused, especially because of the condition imposed by Granzotto that I would no longer enter my house, my mother pulled me from the bed and gave me a scolding." This is something that is not extraordinary, and is not foreign to the usual way of acting of rural parents, in order to restrain their children in their duty for the good of the family, and for their benefit; and it is easily explained if, on the one hand, one considers the danger of losing a benefit that would arise from the proposed marriage, and on the other hand, the daughter's sensitive nature, so that the force applied would not lead to fear, which is required to bring about the marriage. And this is even more so because this event is said to have happened only once; when, after the mother and daughter restored their ordinary and familial relations, the reason for fear also ceased, with all memory of this event thereafter abandoned. Nor is it relevant the threat of being ejected from the paternal home, which the father is said to have made: "That's it now, if that's the road, then take it and go."

[*Latin ed. p. 113*]

The Roman Rota, in its judgment 113, revealed the meaning of these words, which Joseph himself clarified in another deposition. When the judge asked him, "Is it true that, after receiving the rings, you said to her, 'Now you are mine, or are you not?'" he replied, "It is not true; but this is true: that while the bells were ringing for the celebration of the marriage, and she appeared confused and even distressed, because she was being separated from her family (at least, this is how it seemed to me at the time), I said to her: 'Go ahead, and if you don't want to, go back'; to which Virginia gave no reply." Therefore, through these words, he intended to remove any hesitation, and not to threaten her with expulsion from her paternal home. It should not be said that Virginia never loved Attilius, and therefore was forced to marry him out of fear, as the cited judgment maintains: "Therefore, it is necessary that one of two things be true: either she married Attilius out of love, or she was compelled by fear." For, in this case, the lack of love is conceded; but the consequence drawn from this by the Fathers is not approved. For, even if love were absent, and even if fear were removed, nothing would prevent the marriage from being freely entered into for another reason, for example, out of greed for wealth, or for some other advantage. In this case, it is not established that such a

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motive was absent; rather, the contrary is established. For, the lack of love on the part of Virginia towards her husband was not so absolute that she could be said to have been completely indifferent to him, as if she had hated him. Indeed, Attilius appeared to her to be "rough and uncouth"; but, despite this, he also seemed to her to be "not ugly," since he was also a man of good character and of good reputation in society. And she had freely begun to consider the possibility of marrying him; she had never suffered any injury from him, but rather had experienced kindness from him, although he had not shown her signs of love, but had even offended her with insults; and, since she was very eager to marry, and had no other suitors, she was uncertain what to do, and yielded to the advice and exhortations of her parents, and gave her consent, although with some reluctance, and without full love, so that she might in some way provide for herself, and avoid the inconveniences of a greater harm, and it seemed better to her to choose a husband whom she did not love, than to remain unmarried and alone. This fully corresponds to Virginia's nature, which was so easily swayed. Indeed, nowhere is it written that marriage should be a desired thing for those who are to be married; but it is prescribed that it should be freely entered into, or willed, and this is best accomplished when it is desired. Therefore, it is not legally objectionable to marry one and to marry another: which happened in the case of Virginia with Attilius. A better proof of fear does not arise from the words of Amatre, as found in ACTA, vol. X, n. 3, 1-3-918.

[*Latin ed. p. 114*]

114 Acta Apostolicae Sedis - Official Commentary in Latin: I have been the one who killed her, which corresponds to the testimonies of Anne Cappelletto: It is clearly seen that she was forced into the marriage; and to the testimony of Aloisia Scrinzi, who recounted the words of the mother. "But I hoped that with time she would become attached to him." Indeed, through her persuasions and exhortations, she induced her daughter to marry; and consequently, she said that she had caused such great harm to her daughter, and that she was the cause and occasion of it. Therefore, the aforementioned words should not be understood in such a way as to consider the confession of the mother as a confession made under duress. Whatever aspect the question is considered from, it is not legitimately established that the marriage in question was contracted under duress. Given this, the marriage should stand, with all that has been brought forward to the contrary rejected. Nevertheless, the Reverend Fathers Auditors did not fail to consider even the fear that was present in the case, and they did not consider it to be unjust or grave. Regarding the alleged injustice, the words of Virginia were considered, in which she is said to have been coerced. After the betrothal began, and with her acknowledging it, the mother said: "Now you must marry him, and you must not make excuses anymore"; and the

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father said: "The word given cannot be withdrawn anymore... now you cannot joke around, but you must stand firm... I have always said that you must be honored and loved." The Reverend Fathers found one thing in these words; namely, the desire of the parents to protect the good reputation of Virginia, and to advise her conscience in urging her to fulfill the obligation she had undertaken through the betrothal. And they insisted on this even more because, on the one hand, Virginia was not leaving Attilio, and on the other hand, she was associating with other young men, as evidenced by the testimonies of Attilio and others: which behavior was neither honest nor without danger; so that Joseph Rizzetto could say to Anthony Lc-renzon: "Have you thought about talking to this girl? She is having an affair. You are at risk of getting into trouble." With these things established, nothing is found that is not in conformity with right reason and justice. Indeed, in the common opinion of the Doctors, parents, with a just cause intervening, can induce their children to marry, without in any way harming their freedom, or committing any injustice against them, and without consequently making their marriage invalid. Therefore, Reiffenst. (De spons. et matrim., § IX, n. 239) says: "Marriage is not invalidated where fear, even grave fear, is justly induced"; the reason is that just fear is not caused by a judge or another person, but by oneself, by law or by what is legally required, so that in certain cases and circumstances, those who are bound to marry under threats and penalties are compelled to marry.

[*Latin ed. p. 115*]

The Roman Rota, in its deliberations, considered that the fear experienced by the young woman was not only unproven, but rather should be dismissed. Virginia herself states that she was reprimanded by her relatives because of her familiarity with other young men; they considered this to be contrary to the bond of betrothal and the obligations undertaken. This is confirmed by her father. However, beyond these words, nothing else is recorded; there were no threats of any kind, nor any vexations. Indeed, even in her words, there was no harshness or inhumanity, and nothing else contrary to reason, as they were urging Virginia to fulfill her obligation of betrothal. And in this regard, there is no reason to believe that Virginia should have been so deeply afraid of her parents' serious and lasting indignation, or that she should have feared a great evil befalling her. Nor can the reason for such fear be found in the character of the individuals involved, whether the parents or Virginia herself, which should be considered in determining the extent of the fear. The parents, in fact, were of a stern nature, and their manner of acting was harsh: "The parents were of a strong character... The father was of a severe nature, as was also the mother..." "At my house," the father said, "I always 'give orders'." But despite this, they were guided by reason and prudence in managing and governing the family, rather than by severity and violence: "The parents knew how to

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command respect; but sometimes they were also 'lenient,' as Clementina Marchese states. Joseph, the father, although of a severe nature and easily angered, was nevertheless always good, according to Rizzetto. And this is also evident in the case at hand. For the father left his daughter completely free to deliberate; he himself "would have liked the marriage to take place on the feast of St. Martin, so that the daughter could be fully aware of what she was doing"; therefore, he also said: "I called the daughter aside and told her that before taking this step, she must reflect: it seems to me that this is good for you, but do what you want... you must think about it, because it seems to me that Attilio does not love you very much." Therefore, it is not surprising that when asked by the judge: "Is it true that the witness would have considered it a very serious and improper thing, even if Virginia, after receiving the rings, had rejected Granzotto just a few months before the marriage?" she replied: "Quite the opposite, I would not have made any complaint if she had decisively rejected him." And this also applies to the mother; regarding her, in addition to what has been said, Adelaide Panto testifies: "I know that my mother always had good manners; and for my part, I do not believe that she forced her to that marriage," and she did not disagree with her husband in this matter, because she acted with him in the same way: "There are things in which I always let women decide for themselves, even though my mother always spoke..."

[*Latin ed. p. 116*]

116 Acta Apostolicae Sedis - Official Commentary "always with me before deciding on a family matter." Therefore, the parents' disposition was not such as to inspire in Virginia a fear of serious and lasting offense, or of serious harm. Furthermore, Virginia's nature was not so easily led that she would fear or be greatly troubled by her parents' behavior, suspecting that their displeasure would bring her great harm. "Public opinion considered her a flighty girl." Therefore, it is not surprising that her sister, Clementina, said: "Regarding her affection for Granzotto, she was 'extravagant and indifferent.'" Her sister, Virginia, was of a quick temper," and Anne Cappelletto affirmed, "Virginia was of 'ordinary temperament and cheerful disposition.'" These statements are confirmed by the facts; for Virginia was easily led into dances, even when circumstances dictated otherwise: for example, after receiving the rings from Attilio, she danced, even though he had left. "After a year and a half," Attilio said, "she returned the rings; she did not care for me; she abandoned me and went dancing." This, however, is confirmed by Virginia's father: "She was fond of dancing and sometimes 'stayed until 9:30'," and her sister, Clementina, also concedes this. Indeed, she had a habit of freely conversing with young men. Given Virginia's disposition, it is more accurate to say that she was easily led to contempt and disobedience. And indeed, Adelaide Panto affirmed, "that 'she feared her father, I do not know; she certainly did not fear her mother so much,' "

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so much so that, even against her mother's will, she sometimes went to the festivities in the nearby town of Sagra. "She was very fond of dancing, but I do not know how late she stayed there." This is confirmed by Archpriest Gobbo, who stated, "that the young woman was such that she feared no one is my personal opinion based on the investigations I have conducted." Therefore, if fear is even subjectively considered, its severity is excluded. The foregoing statements are confirmed by the events that preceded, accompanied, and followed the marriage. For Virginia confesses that she only experienced coercion from her parents after receiving the rings. Therefore, when she accepted the rings and entered into the betrothal, she still enjoyed freedom. This is also confessed by A. Panto, who was bound to Virginia by a bond of friendship and to whom the task of writing amorous letters was entrusted. The letters that Virginia wrote to her intended husband are reported by her sister, Clementina, and by Attilio Granzotto. When Attilio was living in a distant region, he sent her amorous letters, although not so frequently, and upon his return home, he received her in the manner of betrothed couples. In the prenuptial inquiry, commonly called the "Bollettino," the parish priest asked, "Do the betrothed freely, knowingly, and with a good conscience desire to enter into the Sacrament of Matrimony?" Although there is no direct proof of Virginia's affirmative response, this statement is not without merit.

[*Latin ed. p. 117*]

The Roman Rota has determined that, since it is established that the parish priest duly performed his duty in warning the people about the obligation to reveal any canonical impediments if any parishioners were aware of them, and in explaining the Catholic doctrine of the freedom of the spouses, it appears that nothing whatsoever occurred during the marriage celebration that would indicate Virginia's contrary will; on the contrary, everything indicated the opposite. "On the morning of the marriage, Virginia presented herself 'completely calm and tranquil'," testified Joseph Rizzotto, her uncle; and Clementina confirms this. And although the father said, "She appeared 'confused' and 'crying'," he affirmed that this did not stem from the marriage itself, but, on this occasion, from the condition of human nature, "because she was separating from her family." Nothing foreign to the usual course of events occurred after the marriage was contracted. "At the wedding lunch, 'I noticed nothing extraordinary'," and, indeed, signs of common and customary joy were not lacking. "After the wedding lunch, we played 'ball games, and Virginia also took part in this game'." She was well received in the husband's home. And although the marriage was not immediately consummated, the reason for this is unknown to us; but it certainly did not occur because of the marriage itself, nor because of Virginia's opposition. In response to the judge's question, "Did you immediately, from the first evening, use your marital rights; or

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did Virginia refuse to fulfill her conjugal duties?" Attilius replied, with Virginia not contradicting him: "No; for my 'particular reasons,' I did not believe it right to use my right; I never asked her, and therefore she never refused." That the true cause of the disagreements that arose between the spouses, independent of the marriage, must first be sought in the relationships of Virginia with her mother-in-law, who did not possess urbanity and grace; secondly, in the vexations of her husband, and the conditions of his family, which forced her to work in the fields in a manner different from what she had agreed to before the marriage; and thirdly, in the adulterous relationships with another man: for at the time the spouses were serving, "She was the mistress, and I was her humble servant," said Attilius, who also added, "She ate in the dining room with the master, and I in the kitchen. ... I often went out after eating, and she was sitting on the sofa with the master: one morning, they both left together, I don't know where." Therefore, the Archpriest Gobbo was justified in affirming: "From the totality of the circumstances known to me, I formed the concept that it was a regular marriage, like all the others," and even Virginia herself does not seem to disagree, as testified by Aloisia Scrinzi, who stated: "I myself heard with my own ears when Virginia, turning

[*Latin ed. p. 118*]

Acts of the Apostolic See - Official Commentary 118 "to her husband, she said: "Wherever you go, I am ready to follow you, because I know that you are my husband." * "Having considered and carefully examined all these things, both in law and in fact, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting as a Tribunal and having only God before our eyes, decree, declare, and definitively pronounce that there is no nullity in the marriage in this case, or, responding to the proposed doubt: negatively. Thus we pronounce, ordering the Ordinary authorities and ministers of the Tribunal to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter H, session XXV, of the Council of Trent, using the executive and coercive means that may be most effective and appropriate for the circumstances. In Rome, at the seat of the Tribunal of the Holy Roman Rota, on the 9th of March, 1917. Peter Rossetti, President. Raphael Chimenti. Maximus Massimi. L.©S. From the Chancery, 28th of March, 1917. Rev. T. Tani, Notary.

[*Latin ed. p. 119*]

119. Saint Horn, in *S. Bota II, Causae Acta*, Secretly. In the Sacred Roman Rota, during the year 1917, definitive sentences concerning nullity were issued from January to the month of December, under the condition of secrecy, which are published only in part, pertaining to the disposition of the marriage; specifically, from the chapter concerning force and fear.

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The question posed was: Does a nullity of marriage exist in this case? The Reverend Fathers, Doctors, Saint Many, Ponens, I. Prior, and A. Sincero, Auditors from Turno, on January 23, 1917, judged: Affirmative. An appeal was interposed against this sentence, concerning the chapter of impotence on the part of the woman. The question posed was: Should the sentence of the Rota of April 17, 1916, be confirmed or rejected in this case? The Reverend Fathers, Doctors, G. Sebastianeiii, Decanus, Ponens, S. Many, and M. Massimi, Auditors from Turno, on February 17, 1917, judged: The sentence of the Rota of April 17, 1916, should be confirmed.

II. NULLITY OF MARRIAGE.

III. NULLITY OF MARRIAGE, from the chapter concerning a fulfilled known condition. The question posed was: Should the sentence of the Rota of February 13, 1915, be confirmed or rejected in this case? The Reverend Fathers, Doctors, S. Many, Ponens, I. Prior, and A. Sincero, Auditors from Turno, on March 27, 1917, judged: The sentence of the Rota of February 13, 1917, concerning the condition, should be confirmed.

IV. NULLITY OF MARRIAGE, due to a turpis contract imposed. The question posed was: Should the sentence of the Rota of December 15, 1915, be rejected or confirmed in this case, concerning the agreement, or condition, to avoid procreation? The Reverend Fathers, Doctors, F. Cattani Amadori, Ponens, P. Rossetti, and M. Massimi, Auditors from Turno, on April 3, 1917, judged: Negatively concerning the first part, affirmatively concerning the second part; that is, the sentence of the Rota of December 15, 1915, should be confirmed. An appeal against this sentence was interposed to the Supreme Sacred Signatura Tribunal.

NB. This matrimonial cause returned for the third time before the Most Holy Tribunal; however, for the first time, it was only concerning the chapter of force and fear. This is the first.

[*Latin ed. p. 120*]

Acta Apostolicae Sedis - Official Commentary, section 120, concerning matters of disposition: Regarding the proposed question: Does a nullity of marriage exist in this case? The Most Reverend Fathers, Doctors I. Prior, Ponens, A. Sincero, and I. Mori, Auditors present at Tournon, on November 29, 1913, judged that the answer should be: No. V. NULLITY OF MARRIAGE, based on the grounds of the wife's impotence. Regarding the proposed question: Should the judgment of February 5, 1916, be confirmed or overturned in this case? The Most Reverend Fathers, Doctors Sebastianeiii, Decanus, Ponens, R. Ghimenti, and M. Massimi, Auditors present, on July 14, 1917, judged that the answer should be: Affirmative regarding the first part, and negative regarding the second part. VI. PENALTIES. Regarding the proposed question: Should the penalty established by the judgment of

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the Tribunal X be upheld? The Most Reverend Fathers, Doctors M. Massimi, Ponens, P. Rossetti, and R. Ghimenti, Auditors present, on July 17, 1917, judged that the answer should be: Affirmative, that is, the penalty established by the judgment of the Tribunal X should be upheld. VII. DEFAMATION AND RESTITUTION OF DAMAGES. Regarding the proposed question: Should the Royal judgment of July 31, 1916, be confirmed or overturned in this case? The Most Reverend Fathers, Doctors S. Many, Ponens, I. Prior, A. Sincero, Auditors present, on August 11, 1917, judged that the answer should be: Negative regarding the first part, and affirmative regarding the second. An appeal was lodged against this judgment. VIII. NULLITY OF MARRIAGE, based on the grounds of the husband's impotence. Regarding the proposed question: Does a nullity of marriage exist in this case? The Most Reverend Fathers, Doctors G. Sebastianeiii, Decanus, Ponens, R. Ghimenti, and M. Massimi, Auditors present, on August 17, 1917, judged that the answer should be: Affirmative. IX. NULLITY OF MARRIAGE. Regarding the proposed questions: 1° Does a nullity of marriage exist in this case, based on the grounds of the husband's impotence? And, to the extent that the answer is negative, 2° Should counsel be given to the Most Holy Father regarding a dispensation from a marriage that is valid but not consummated, in this case? The Most Reverend Fathers, Doctors A. Sincero, Ponens, F. Cattani Amadori, and P. Rossetti, Auditors present, on August 18, 1917, judged that the answers should be: Regarding 1: This will be determined in the second instance. Regarding 2: Affirmative, that is, counsel should be given to the Most Holy Father regarding a dispensation from a marriage that is valid but not consummated, in this case; however, it is forbidden to the aforementioned Lord X. Y. to enter into other marriages without prior consultation with the Holy See. On August 23, 1917, the Most Holy Father deigned to grant a dispensation from a marriage that is valid but not consummated, in this case.

[*Latin ed. p. 121*]

S. Romana Rota X. 121 IURIUM. Regarding a proposed question: Whether the decision of the Sacred Roman Rota of March 2, 1915, should be confirmed or rejected in the case of R. R. P. P. DD. A. Sincero, Ponens, F. Cattani Amadori and R. Chimenti, Auditors of Turno, on August 27, 1917, it was judged that: Negatively, regarding the first part; affirmatively, regarding the second part, namely: that the decision of March 27, 1917, should be amended, according to the following: Firstly, it does not pertain to the Priest X. Y. to possess in the Church of S. T. the right of patronage with the faculty of presentation; rather, it pertains to him certain honorary rights, and also the faculty of performing non-parochial functions therein, according to common law, with the legally mandated provisions observed, and with the jurisdiction of the Ordinary preserved. Secondly, it does not pertain to the Priest X. Y. to be compensated for damages, and the judicial

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expenses should be borne by the parties.

XI. DEFAMATION. Regarding proposed questions: 1° Does the nullity of the appealed sentence exist in the case? And, if negatively, 2° Does defamation exist, so that there is grounds for penalties and compensation for damages in the case? And, if affirmatively, 3° To what extent should the damages be compensated in the case? R. R. P. P. DD. P. Rossetti, Ponens, R. Chimenti and I. Grazioli, Auditors of Turno, on October 20, 1917, it was judged that: Regarding 1: Negatively, that is, the nullity of the sentence in the case does not exist. Regarding 2: Affirmatively, that is, defamation exists; so that there is grounds for penalties and compensation for damages in the case. Regarding 3: The damages in the case are to be repaired in such a way that satisfaction and compensation are due. For satisfaction, the Lord X. Y. must publish, or cause to be published, the dispositive part of this sentence in the Diocesan Catholic periodical and in the special periodical commonly known as the Bollettino, in which the acts of the Diocese of public law are published. For compensation, he must pay the sum of K. C. to the Lord S. T. within one year from the date of this sentence. Furthermore, for the vindication of the crime, the Lord X. Y. must dedicate himself to spiritual exercises for the entire month in a religious house, suspended from divine services, to be determined by the Bishop as to time and place; and in addition, he must pay the sum of M. F. for expenses of worship in favor of the Parochial Fabric of the Church of the place A., from the head of the virile impotence.

Regarding a proposed question: Whether the decision of the Sacred Roman Rota of July 18, 1916, should be confirmed or rejected? R. R. P. P. DD. G. Sebastianeiii, Decanus, Ponens, S. Many and I. Grazioli, Auditors of Turno, on November 19, 1917, it was judged that: Affirmatively, regarding the first part; negatively, regarding the second part, namely, that the decision of the Sacred Roman Rota should be confirmed.

XII. NULLITY OF MARRIAGE.

[*Latin ed. p. 122*]

122 Acta Apostolicae Sedis - Official Commentary XIII. ON NULLITY. Regarding a proposed doubt: Does marriage, in certain cases, arise from force and fear? The Most Reverend Fathers, Assessors, S. Many, Ponens, I. Prior, and A. Sincero, Assessors from Tournon, on November 24, 1917, judged it fitting to respond: Affirmative. XIV. OF DEFAMATION OR REPUTATIONAL HARM. Regarding proposed doubts: 1° Whether the Parish Priest M. D. is guilty of the crime of defamation against the cleric S. T.? And, to the extent that the answer is affirmative, 2° Whether and to what extent he is obligated to repair the damages in this case? The Most Reverend Fathers, Assessors, S. Many, Ponens, I. Prior, and A. Sincero, Assessors from

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Tournon, on December 17, 1917, judged it fitting to respond; To 1: Negative. To 2: Provision is made in the first. Regarding the petition of the plaintiff's advocate of July 10, 1917, namely, that the Reverend R. T., the General Vicar, and the witness R. G., be confronted, the aforementioned Reverend Fathers, Assessors, rejected the same. From the Chancery, January 7, 1918. Sac. T. Tani, Notary.

[*Latin ed. p. 123*]

In the Sacred Roman Rota, Third Section, Citations and Edicts, I, LIBURNEN. CONCERNING THE NULLITY OF MARRIAGE (ZACCARI-JAMES).

Since it is established that the woman, Barbara James, a citizen, cannot be found, the undersigned Auditor of the Sacred Roman Rota, in the case pending, by means of the present Edict, peremptorily summons the aforementioned Barbara James to appear, either in person or through a procurator, before the Sacred Tribunal on the 22nd of April of this year, at the eleventh hour, for the purpose of addressing the following question, and also to determine the date on which the Rotarian session will be held for the definition of the aforementioned cause; furthermore, it is declared that, if she does not appear, the proceedings will continue in her contumacy.

QUESTION: Does it appear that there is a nullity in the marriage in this case?

The ordinaries of the place and all faithful persons, to whom knowledge is known of the place of residence of the aforementioned Barbara James, ought to take care, as much as possible, that she be informed of this edictal citation.

Given in Rome, on the 23rd of January, 1918.

P. Rossetti, Judge.

L.S. From the Chancery, on the 18th of February, 1918.

Johannes Ladelci, Notary of the Sacred Roman Rota.

[*Latin ed. p. 124*]

124 Acta Apostolicae Sedis - Official Commentary Translation. TRIBUNAL OF THE HOLY ROMAN ROTE, ROME. Citation by Decree LIBURNEN. NULLITY OF MARRIAGE (ZACGARI-JAGOBL). Since it has been determined that the lady Barbara Jacobi of Pisa cannot be found, the undersigned, Auditor of the Holy Roman Rote, presiding in this cause, peremptorily cites the aforementioned Barbara Jacobi, by this present decree, to appear personally, or by a legitimately constituted procurator, before the seat of the Tribunal of the Holy Roman Rote on April 22, 1918, at eleven o'clock, in order to express her opinion regarding the doubt reported below, and to set the date for the presentation of the cause before the Rote, further declaring that, if she does not appear, the canonical

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process will be continued and concluded in her absence. DOUBT: Is there evidence of the nullity of the marriage in the present case? The Ordinary authorities of the places and the faithful who may have knowledge of the place of residence of the aforementioned Barbara Jacobi, must, as far as possible, ensure that she is informed of this citation. Given at Rome, January 23, 1918. P. Rossetti, Presiding. From the Chancery, February 18, 1918. Ioannes Ladelei, Notary. S. B. Botae.

[*Latin ed. p. 125*]

125 / In Romana Rota II GRAVINEN. CONCERNING THE NULLITY OF MARRIAGE (PERRINO-TROTTA). Since the domicile and the actual place of residence of the Lord Dominic Trotta are unknown, by the present edict, We summon him to appear in person before the seat of the Tribunal of the Sacred Roman Rota on the 15th of June, 1918, at the eleventh hour before noon, that he may be heard as the defendant, and We add that, if he does not appear, the judgment will be concluded also in his absence. The Ordinaries of the places and the faithful who have knowledge of the domicile or the place of current residence of the aforementioned Lord Dominic Trotta, ought, as far as possible, to inform him of this edictal summons. Rome, on the 20th of February, 1918. Peter Rossetti, Prelate.

Translation:

TRIBUNAL OF THE SACRED ROMAN ROTA

Citation by edict

GRAVINEN. NULLITY OF MARRIAGE (PERRINO-TROTTA)

Since the domicile and the place of current residence of Mr. Dominic Trotta are unknown, by the present edict, We summon the same Mr. Dominic Trotta to appear in person at the seat of the Tribunal of the S. Rota Roman, on the 15th of June, 1918, at eleven o'clock in the morning, to be questioned as the defendant, and We add that, if he does not appear, the judgment will be concluded also in his absence. The Ordinaries of the places and the faithful who have knowledge of the domicile or the place of current residence of the aforementioned defendant Dominic Trotta, ought, as far as possible, to inform him of the present citation.

Rome, 20th of February, 1918.

Pierre Rossetti, Prelate.

From the Chancery, on the 20th of February, 1918.

Johannes Ladelci, Notary of the S. B. Rota.

[*Latin ed. p. 126*]

Acts of the Apostolic See - Official Commentary 126. DIARY OF THE RO-

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MAN CURIA. SACRED CONGREGATION OF RITES. Tuesday, February 5, 1918, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals, the Reverend Prelates, and Theological Consultors who comprise it, discussed: 1) the matter concerning the solemn canonization of the Blessed Margaret Mary Alacoque, a professed Religious of the Order of the Visitation of the Blessed Virgin Mary; and 2) the matter concerning: "Whether the martyrdom, the cause of the martyrdom, and the signs or miracles of the Venerable Oliver Plunkett, Primate of Ireland and Archbishop of Armagh, are established," who is said to have been killed in hatred of the Faith in the year 1681. Tuesday, February 19, 1918, in the Apostolic Palace at the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates and Theological Consultors, the Preparatory Congregation of Rites was held, to discuss two miracles which are said to have been wrought by God through the intercession of the Venerable Anna Maria Taigi, of the Third Order of the Most Holy Trinity; these miracles are proposed for the Beatification of the same Venerable.

SECRETARY OF STATE. APPOINTMENTS. By letters from the Secretary of State, the Holy Father deigned to appoint: February 16, 1918. 26. Monsignor Francesco Marchetti-Selvaggiani, Apostolic Internuncio in Venezuela, conferring upon him the archiepiscopal title of Seleucia. The Reverend Father Antonino of the Assumption, General Minister of the Order of the Trinitarians, Consultor of the Sacred Congregation of Rites for causes of Beatification and Canonization. By a letter from the Secretary of State, the Holy Father deigned to promote: February 22, 1918. Monsignor Giambattista Federico Vallega, from Secretary of the Nunciature of the first class to Auditor of the second class.

[*Latin ed. p. 127*]

The Roman Curia Diary reports that, by Apostolic Briefs, the Holy Father has deigned to appoint:

Protonotaries Apostolic, in the manner of those who participate: January 29, 1918. Monsignor Pasquale Brancaccio, of the archdiocese of Naples.

Domestic Prelates of His Holiness: August 7, 1917. Monsignor Bernardino Maciel, of the diocese of Santiago del Estero.

January 11. Monsignor Giovanni Francesco Marshall, of the diocese of Ballarat.

January 11. Monsignor Michele Shanahan, of the same diocese.

October 22. Monsignor Ernesto Zechenter, of the diocese of Kansas City.

February 16, 1918. Monsignor Giacomo Serra, of the diocese of Vietri.

February 18. Monsignor Luigi Gotelii, of the diocese of Chiavari.

February 22. Monsignor Luigi Maglione, formerly a secretary of the Most

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Holy Fathers.

HONORS

By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: February 4, 1918. To Mr. Emanuele Carvajal y Hurtado de Mendoza, Duke of la Vega and Marquis of Aguilafuente, of the diocese of Madrid.

The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: February 20, 1918. To Mr. Vittorio Eastman Cox, Minister of Chile to the Republic of Ecuador.

The Commander of the Order of Saint Gregory the Great, civil class: January 23, 1918. To Mr. Emanuele Augusto Clergeau, of the archdiocese of Athens.

The Knighthood of the Order of Saint Gregory the Great, civil class: January 23, 1918. To Mr. Enrico De Malvai, of the archdiocese of Athens.

January 23, 1918. To Mr. Enrico De Cazotte, of the same archdiocese.

January 23, 1918. To Mr. Ludovico De Juge, of the same archdiocese.

February 2. To Mr. Ludovico Domenget, of the archdiocese of Chambéry.

February 6. To Mr. Guglielmo Gaspare Antonio Van Eijck, of the diocese of Harlem.

The Knighthood of the Order of Saint Sylvester the Pope: January 31, 1918. To Mr. Giovanni Cornelio Francesco Veenman, of the diocese of Harlem.

[*Latin ed. p. 128*]

128 Acta Apostolicae Sedis - Official Commentary

MAGGIORDOMATO OF HIS HOLINESS

By the tickets of His Eminence, the Reverend Monsignor Maggiordomo, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness;

January 18, 1918.

Monsignor Luigi Teodoro Panken, of the diocese of Bois-le-Duc.

January 19.

Monsignor Edoardo Guglielmo Fowler, of the diocese of Omaha (United States of America).

January 19.

Monsignor Gioacchino Pascali, of the diocese of Lech.

January 31.

Monsignor Luigi Häver.

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January 31.

Monsignor Francesco Esteves, of the archdiocese of Lisbon.

January 31.

Monsignor Edoardo Coelho Ferreira, of the same archdiocese.

February 6.

Monsignor Vincenzo Sant'Agata Fiorito, of Rome.

February 16.

Monsignor Diego Lastras, of the archdiocese of Vienna.

February 19.

Monsignor G. B. Kuboth, of the diocese of Breslau.

February 19.

Monsignor Giuseppe Candidori.

February 19.

Monsignor Camillo Gidoni.

February 19.

Monsignor Alberto Diorio.

Extraordinary Chamberlain of Honour, with Sword and Mantle, of His Holiness:

February 3, 1917.

The Right Honourable Count Felice Grabowski, of the archdiocese of Warsaw.

Chamberlain of Honour, in peacock blue attire, of His Holiness:

February 19, 1918.

Monsignor Giacomo Costa, of the diocese of Chiavari.

Extraordinary Chamberlain of Honour, with Sword and Mantle, of His Holiness:

February 3, 1917.

The Right Honourable Leszek Wisniowski, of the archdiocese of Warsaw.

Chaplain of Honour, Secret, of His Holiness:

February 19, 1918.

Monsignor Andrea Bianchi, of the diocese of Chiavari.

NECROLOGY

January 5, 1918.

Monsignor Giovanni Foley, Bishop of Detroit in the United States.

February 20.

Monsignor Giovanni Paolino Azevedo e Castro, Bishop of Macao.

[*Latin ed. p. 129*]

Year X - Vol. X, April 1, 1918, No. 4. OFFICIAL ACTS OF THE

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SACRED APOTOLIC CONGREGATION. ACTS OF POPE BENEDICT XV. APOTOLIC LETTER.

"The Confraternity of the Most Holy Name of St. Gerard in Caposele, which is commonly called 'Caposele,' is canonically erected as an archconfraternity under the protection of the Mother of God."

BENEDICT XV, by the grace of God, to our beloved sons, Carmel Golia, a priest of the Congregation of the Most Holy Redeemer, and the present rector of the Redemptorist Fathers' college in the town of Caposele, in the archdiocese of Compagna, within the territory of Fismes, and also of the lay members of the same Congregation who reside in the aforementioned college, where the body of St. Gerard Majella is kept, sends greetings and apostolic benediction.

It has been brought to our attention that a confraternity, canonically established under the invocation of St. Gerard himself, has been flourishing in Caposele, a place renowned for the pilgrimages of the faithful who come to venerate his tomb. Furthermore, it has grown so rapidly in a short space of time, with the favor of God, that it is now found almost throughout the entire world.

The aforementioned rector also reports that the confraternity has been enriched by numerous indulgences from the Holy See, and that he earnestly desires that we, through our apostolic benevolence, may deign to grant it the title of archconfraternity, along with its privileges.

We, having carefully considered the abundant fruits that have sprung forth from this fruitful confraternity in the Lord's field, and knowing that, when we ourselves held the governance of the archdiocese of Bologna, we canonically established it, recognizing the great number of its members and, above all, its flourishing in the gatherings of young people, we freely and gladly deem it fitting to grant the following:

ACTS, Vol. X, No. 4, April 1, 1918.

[*Latin ed. p. 130*]

The Acts of the Apostolic See - Official Commentary 130: By the intercession of Saint Gerard Majella, a canonically erected association in the church of the Mother of God, annexed to the college of the Congregation of the Most Holy Redeemer in the town of Gaposele, within the Archdiocese of Compsa, we, with our apostolic authority, erect and establish this association as an archconfraternity, with the customary privileges, in perpetuity and in full force. Furthermore, we grant, with our apostolic authority, to the moderator and officials, present and future, of the aforementioned association, which we hereby erect into an archconfraternity, the power to, while observing the constitution of Pope Clement VIII and other apostolic ordinances issued for this purpose, aggregate to themselves all other associations of the same title and institute, wherever they may be established or to

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be established, and to communicate to them all the indulgences granted to and to be granted to this archconfraternity by the Apostolic See, provided that they can rightfully and lawfully communicate with other associations, and to be able to do so. Moreover, we decree that the rector for the time being of the Redemptorist college and the annexed church, in which the body of Saint Gerard is kept, shall be the moderator of this archconfraternity, and shall have the power to delegate another of the religious of the aforementioned college to perform this office. Furthermore, we declare that these present letters shall always remain valid and effective, and shall have their full and complete effect, and shall fully apply to those to whom they pertain now and in the future, and shall be rightly judged and defined, and shall be declared null and void if anything contrary to these should happen, knowingly or unknowingly, by anyone, with any authority whatsoever. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the 28th day of January, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI; from the Secretariat of State.

II. SODALITY OF SAINT LAWRENCE, EDINBURGH, CONSTITUTED IN HONOR OF THE BISHOP AND MARTYR, IS ERECTED INTO AN ARCHCONFRATERNITY IN THE METROPOLITAN CHURCH. BENEDICT XV. For the perpetual memory of the matter. — The pious associations of the faithful, which diligently strive in the service of the Lord, and which, as it were, serve as auxiliary cohorts to the clergy, both in promoting the adornment of the house of God, and in celebrating ecclesiastical ceremonies, according to the manner of the Romans.

[*Latin ed. p. 131*]

The Acts of Pope Benedict XV, 131, concern the augmentation of the particular titles and privileges of Our Predecessors in the Papacy. Indeed, having learned from the very ample suffragium of the Ordinaries of Saint Andrews and Edinburgh, that a certain number of societies can be rightfully and deservedly enrolled, We have considered it fitting to promote, with the consent of the expressed wishes of the Prelate, the canonically erected confraternity dedicated to the ministry at the altar, located in the metropolitan church of Edinburgh, under the title of Saint Lawrence, to the rank of archconfraternity. Therefore, by Our apostolic authority, in the present document, and in a perpetual manner, We erect and establish the aforementioned confraternity of those who serve the sacred rites, canonically erected in the metropolitan church of Edinburgh, under the invocation of Saint Lawrence, as an archconfraternity, with the customary privileges. Furthermore, by Our authority, We grant to the officials and members, present and future, of the confraternity thus erected by Us into an archconfraternity, that they may rightfully join to it confraternities of the same name and institution, either already existing or to be established in the same archdiocese of Edinburgh, observing the form of the constitu-

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tion of Pope Clement VIII, of blessed memory, and other apostolic ordinances issued above, and that they may legitimately communicate with them all the individual and universal indulgences, remissions of sins, and relaxations of penances, either already granted by the Apostolic See to the aforementioned archconfraternity, or to be granted in the future, provided that they can be communicated with others. We decree that these present Letters shall always exist and be valid and effective, and shall have and obtain their full and complete effect, and that the aforementioned archconfraternity shall fully enjoy these privileges, and that it shall be rightly judged and defined, and that anything to the contrary, attempted by any authority, knowingly or unknowingly, shall be declared void and of no effect. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-eighth day of February, in the year 1918, in the fourth year of Our Pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 132*]

Acta Apostolicae Sedis - Official Commentary 132 III. The Archisodalitas of Saint Lawrence in Edinburgh, dedicated to the Levite and Martyr, is established and its indulgences are increased. BENEDICT XV. For the perpetual memory of the matter. — Since, as We have learned, a pious sodality, dedicated to Saint Lawrence, the Levite and Martyr, has been canonically established in the metropolitan church of Saint Andrew in the archdiocese of Edinburgh, and whose members are accustomed to perform many works of piety and charity: We, intent on increasing the faith of the faithful and promoting the salvation of souls, and desiring to enrich the Church with heavenly treasures through pious devotion, grant to all and each of the faithful who shall hereafter join this established archisodalitas, on the first day of their enrollment, if they have truly repented and confessed, a plenary indulgence; and to those enrolled, as well as to those who shall be enrolled hereafter, who are members of this archisodalitas, at the hour of their death, if they have also received absolution after having made a worthy examination of conscience and have been refreshed with the heavenly food [the Eucharist], or, if they are unable to do so, if they have, as far as they are able, invoked the name of Jesus, and if they have accepted death with a patient spirit as the price of sin, We likewise grant a plenary indulgence; finally, to the same members, both those already enrolled and those who shall be enrolled hereafter, who, being truly penitent and having confessed, and having partaken of the Holy Communion, annually celebrate devoutly, on the feast day of Saint Lawrence the Martyr, that is, on the tenth day of the month of August, or on one of the days within the octave, whichever they choose, either in the church of the archisodalitas itself, or in any other public church or chapel, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion

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of sinners, and the exaltation of the Holy Mother Church, We grant, on that day, a plenary indulgence for all their sins, with the merciful remission thereof, in the Lord. Furthermore, We grant to the members of this archisodalitas, both those already enrolled and those who shall be enrolled hereafter, who, at least with a contrite heart and with prayers, as We have said above, on the feasts of Saint Joseph, namely on the nineteenth day of March, of Saint Columba the Abbess, on the ninth day of June, of Saint Ninian the Confessor and Bishop, on the sixteenth day of September, and finally of Saint Margaret, Queen of Scotland, namely on the sixteenth day of November, offer prayers, either in the church of the archisodalitas itself, or in any other...

[*Latin ed. p. 133*]

The Acts of Pope Benedict XV state that if a member visits another public church or oratory, on the day that they do so, we remove from their penance seven years and forty days, according to the usual form of the Church. Furthermore, whenever, according to the rules of the society, the members perform any work of piety or charity, we also remove from their penance one hundred days. Finally, we grant that to all the members, except for the plenary indulgence granted at the hour of death, all other plenary and partial indulgences may be applied, if they wish, to expiate the faults of their life and their penances. Finally, we decree that these indulgences shall also apply to other societies, namely the arch-sodalit of Edinburgh, now and in the future to be incorporated. Contrary to anything to the contrary notwithstanding. This is valid for the present and for all future times. Given in Rome, at St. Peter's, under the Fisherman's ring, on the first day of March, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State. LETTER I TO THE GREEK-RUMANIAN BISHOPS, CONCERNING THE ESTABLISHMENT OF A NEW INSTITUTE OF STUDIES FOR THE ORIENTAL CHURCH. Venerable brothers, greetings and the apostolic blessing. — We were greatly pleased by the common deliberations in which, because of the recently established Institute of Higher Studies for the Oriental Church, you have participated with most grateful spirits. We are glad to see that what we have established appears to you to be useful and highly conducive to the advancement of the Catholic cause in the East and to the strengthening of the union of the Churches. We are certain that whatever seems to pertain to this cause will be undertaken and will also be effective in the future. However, nothing is more commendable than your congratulations, for they indicate that you will labor diligently in this very matter. But may God grant favor to our endeavors, so that they may be successful, and may we not cease: for it is He who, by enlightening minds and moving hearts, makes it so that all may feel and desire the same

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as We do. With heavenly auspices and prayers.

[*Latin ed. p. 134*]

134 Acta Apostolicae Sedis r- Commentarium Officiale. As a witness to the benevolence of Our own, We impart the apostolic blessing to you, venerable brothers, and to your clergy and people, most beloved in the Lord. Given in Rome, at St. Peter's, on the twenty-fifth day of the month of February, in the year 1918, in the fourth year of Our pontificate. BENEDICTUS PP. XII. To HENRY S. LENSE, XXV R. E. CARDINAL, BISHOP OF ALMARAZ, ARCHPRIEST. Beloved son, greetings and the apostolic blessing. — We are pleased to learn that you are about to complete twenty-five years since you received the honor of the episcopate; and We judge it fitting that not only the clergy and the entire people, to whom you are most dear for your merits, but also We ourselves, with paternal affection, should congratulate you on this auspicious day with holy joy. Indeed, for a long time We have known of the diligence and care with which you protect the Church entrusted to you; and We know that you have been accustomed to devote yourself so that, with the fervor of your religion, you may kindle the hearts of your flock, and also that you may excel in obedience to the Vicar of Jesus Christ. Therefore, in order to increase the proper and common fruit of this solemnity, We have sent you a gift which will be a perpetual witness of Our love for you; moreover, We grant you the faculty of granting a Plenary Indulgence, under the usual conditions, once after the sacred celebration of that day. Finally, for your sake, We pray to God that He may preserve you for the benefit of this archdiocese for a long time. As a witness to the favor of heavenly blessings and Our singular benevolence, We impart the apostolic blessing to you, beloved son, and to your clergy and people. Given in Rome, at St. Peter's, on the twenty-eighth day of the month of February, in the year 1918, in the fourth year of Our pontificate. BENEDICTUS PP. XV.

[*Latin ed. p. 135*]

135. Acts of Pope Benedict XV, to the Reverend Father Leonard Vossen, S.J., in the twenty-fifth year since the founding of the Kandien Pontifical Seminary in India. Beloved son, health and the apostolic blessing. — To bring the benefits of divine redemption to those peoples who are ignorant of them, it is a most efficacious means to properly educate young men chosen from among them, who will subsequently perform the apostolic office among their own people. For they do not inspire suspicion, as foreigners often do; rather, because of bonds of friendship and kinship, they always have easy access, and the very commonality of language and origin makes it easier for them to gain faith and favor. Therefore, our predecessor, Pope Leo XIII, founded this Kandien Seminary twenty-five years ago to instruct Indian students in matters of salvation; and thus far, the work has

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progressed admirably. We know that from this home of piety and excellent studies, many priests and sacred ministers have already emerged, all of whom have been excellently instructed for the apostolate and are entirely worthy of the discipline of the Society of Jesus. Rejoicing with you in these fruits of this salutary institution, and congratulating you, we give great thanks to God: and we pray that He may continue to be with you and those who assist you in this endeavor. We certainly will never cease to support your work: and we desire to support all the Bishops of India, convinced that they have sufficiently fulfilled their office by having taken care of the establishment of a native clergy. And as a witness of the heavenly blessings and of our particular benevolence, we impart to you, beloved son, and to all the teachers and students of this Seminary, our most loving apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the fourth day of the month of March, in the year 1918, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis - Official Commentary

ACTA OF THE HOLY CONGREGATIONS

SUPREME HOLY CONGREGATION OF THE SACRED OFFICE

DECREE CONCERNING THE PROVISIONS OF THE OATH AGAINST MODERNISM

Since, in the Code of Canon Law, which will have binding force from the next feast of Pentecost, no mention is made of the Provisions and the Oath against Modernism, concerning which respectively it is spoken in the Constitution *Pascendi Dominici gregis* and the Motu Proprio *Sacrorum Antistitum* of the Most Holy Pope Pius IX, and considering Canon 6, paragraph 6, of the aforementioned Code, the following question has been proposed: Whether the prescriptions pertaining to the two aforementioned sections will continue to remain in force after said feast of Pentecost, or not?

Regarding this matter, at the request of the Most Holy Lord Pope Benedict XV, happily reigning, it was brought before this Supreme Sacred Congregation of the Holy Office. The Eminent and Most Reverend DD. Cardinals, Inquisitors General in matters of faith and morals, in a plenary session held on Thursday, March 20, 1918, decreed to expressly declare: "The aforementioned prescriptions, because of the widespread serpents of present-day modernist errors, are by their very nature temporary and transient, and therefore could not have been included in the Code of Canon Law; nevertheless, since the virus of Modernism has not ceased to spread, they

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must remain in full force until this Apostolic See otherwise determines."

And on the following Friday of the same month and year, the same Most Holy Lord Pope, in the usual audience granted to the Reverend Father Assistant, deigned to fully approve and confirm, with His supreme authority, the resolution reported to Him by the Eminent Fathers.

In contradiction to whatever may be to the contrary.

Given at Rome, from the Offices of the Holy Office, on March 22, 1918.

L. & S. Aloisius Castellano, Secretary and Notary.

[*Latin ed. p. 137*]

SACRED CONGREGATION OF BISHOPS

S. C. By the decrees of the Most Holy Pope Benedict XV, the following appointments have been made for the churches, namely:

February 15, 1918. — To the cathedral church of Cahors, the Reverend Joseph Lucian Giray, a vicargeneral of Grenoble, has been appointed.

February 20. — To the cathedral church of Corumbá, in the Republic of Chile, South America, the Reverend Father Helvetius Gomez de Oliveira, of the Salesian Society, has been appointed.

February 20. — To the cathedral church of Serena, in the Republic of Chile, South America, the Reverend Charles Silva Cotapos, a canon theologian of the metropolitan church of Saint James of Chile, a doctor of civil law, and a provisor of the archdiocese, has been appointed.

February 20. — To the cathedral church of Concepción, in Chile, South America, the Reverend Gilbert Fuenzalida Guzman, a canon master of the metropolitan church of Saint James of Chile, a doctor of sacred theology, has been appointed.

February 21. — To the cathedral church of Saint Charles of Ancudía, in the Republic of Chile, South America, the Reverend Father Anthony Castro, formerly Lewis, of the Congregation of the Most Sacred Hearts of Jesus and Mary and of the Adoration of the Most Holy Sacrament, commonly known as "of Picpus," has been appointed.

February 22. — To the cathedral church of Osma, the Reverend Matthew Mugica and Urrestarazu, a priest of the diocese of Vitoria, and there a canon lector of the cathedral church, a doctor of sacred theology, has been appointed.

February 23. — To the cathedral church of Squillace, the Reverend Father John Elli.

February 25. — To the metropolitan church of Lima, in the Republic of Peru, the Reverend Father Aemilius Lisson, formerly the bishop of Chachapoyas, has been appointed.

March 11. — To the Abbey of Mount Virgin, the Reverend Father Ramiro

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Marcone, of the Cassinese Congregation of Primitive Observance, has been appointed.

March 20. — To the cathedral church of Lincoln, in the United States of America, the Reverend Father Charles O'Reilly, formerly the bishop of Baker, has been appointed.

[*Latin ed. p. 138*]

Acta Apostolicae Sedis — Commentarium Officiale 138

SACRA CONGREGATIO CONCILII LISBONEN.

DE EXEMPTIONIBUS ET FUNERIBUS.

Die 21 aprilis 1917.

Eminentissimus Card. Patriarcha Lisbonensis, ut melius prospiceret spirituali bono degentium in hospitalibus suae ditionis, per decretum latum die 5 augusti 1878, multa sancivit de exemptionibus eorumdem hospitalium, statuens, inter alia, quod cappellani hospitalibus addicti haberentur ipsorum hospitalium quasi parochi, ideoque independenter a parochis locorum sacramenta infirmis administrare valerent, uno excepto sacramento matrimonii, et etiam funera in hospitiis decedentium, missas, vel solemnes, catecheticam instructionem, ceterasque sacras functiones peragere possent, cum obligatione regesta seu libros parochiales rite exarandi, atque congruas particulas, per Curiae tramitem, a d parochis, quorum interesset, transmittendi. Huiusmodi vero exemptionem statuebat esse a se, in singulis casibus, praevia rectoris cuiusque hospitalis petitione, concedendam pro suo prudenti arbitrio, a quo etiam, singulis annis, iurisdictio cappellanis esset communicanda.

SPECIES FACTI.

Haec nova hospitalium Lusitaniae iuridica ordinatio, Regis decreto die 6 decembris eiusdem anni comprobata, pacifice obtinuit usque ad nuperam rerum publicarum eversionem, quando omnes cappellani per vim ab hospitalibus eiecti sunt, atque oratoria seu sacella ibidem exstantia clausa fuere.

Tunc, Eminentissimus Card. Patriarcha, ut rei consuleret saltem pro civitate Lisbonensi, primum litteras dedit parochis in quorum territoriis exstant maius hospitale S. Iosephi in civitate, et nosocomia ab eodem dependentia, eisdem parochis committens curam infirmorum, quamantea obiverant cappellani; ac deinde, nonnullis subortis querelis, per decretum diei 28 decembris 1915, statuit: 1) integram adhuc manere exemptionem praedictis piis domibus ab eius praedecessore a. 1873 concessam; 2) usque dum

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cappellani prohiberentur spirituale regimen hospitalium resumere, infirmorum curam committi parochis in quorum finibus piae domi inveniuntur.

[*Latin ed. p. 139*]

The Holy Congregation of the Council has been informed that certain pastors in the city are contesting this decree, arguing that it entirely negates the exemption, and therefore, as it were, revives the rights of each parish priest, particularly with regard to funerals; some chaplains have also lodged complaints, asserting that they are currently able to continue their work under any conditions. Therefore, the Most Reverend Patriarch submitted this controversy, which had already begun to be publicly debated with considerable contention and the admiration of the faithful, to the judgment of the Holy See, requesting that this Holy Congregation determine what action should be taken. On the part of the pastors, it is argued that the decree of the Most Reverend Patriarch should be upheld in its entirety: not in the first part, in which he purports to grant the Lisbon hospitals the exemption that his predecessor had granted in 1873; much less in the second part, in which, with this exemption established, he assigns the care [of the hospitals] not to the chaplains of the hospitals, but to the parish priests of the territory where the pious institutions are located.

SYNOPSIS OF THE DISPUTE. – Regarding the first part, it is first noted that it is not entirely certain whether an exemption for hospitals can be granted solely by the authority of the bishop; Cardinal De Luca, in a classic passage (De parochis, discourse 23, nos. 11 and 12), where he explains this exemption, assumes that it can only be granted by the Apostolic See; there he writes: "It is by the Apostolic See that these privileges have been granted to almost all hospitals, especially those of large cities." And Ursaya also teaches this more clearly (Discept. eccles., vol. VII, discourse 12, on the case of Bracharen – Regarding claimed exemptions). However, whatever may be considered regarding this matter, it is clearly deduced from the fundamental principles of law that the Ordinary cannot grant such an exemption against the will of the parish priests. Indeed, "the removal of a hospital from the jurisdiction of the parish priest," according to the words of the esteemed Bouix (De parochis, p. 653), "is a violation of parochial rights"; therefore, without the consent of the parish priest, it does not seem possible to grant it except by him who can take away a right sought by a third party, which only the Prince can do, to whom belongs the power to make laws (Glossa, in can. Quod autem, c. XXV, q. 2). Hence, when the pastor of the church of N. D. raised an objection, the Sacred Congregation of Particular and Regular Canons, in Albi, on March 18, 1898, responded that the privilege of exemption granted by the Archbishop of Albi against the strictly parochial rights was not to be upheld (cf. Acta S. Sedis, XXX, p.

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711; Santi-Leitner, Praelect., vol. III, p. 260). This is also confirmed in the present case by the decree of the Patriarch of Lisbon, dated August 5, 1873, in which explicit mention is made of the consent of the parish priests to the exemption granted to the hospitals, as it is written in the decree: "for the good of the hospitals, not only, but also of the parish priests themselves, whom we foresee will be well pleased, and indeed, will be..."

[*Latin ed. p. 140*]

140 Acta Apostolicae Sedis - Commentarium Officiale: "Multi eorum, res adhibita probe cognoscens, ad nostram consultationem respondentes, nobis consentiebant, saltem res substantiam attinet; nonnulli etiam modum quem adfert." Sed in praesenti casu, multi parochi invitati sunt et dissentientes prorsus: ideo, ordinarii decretum non potest sustineri, saltem ubi laedit iura stricte parochialia, ad normam laudatae resolutionis S. G. E. p. et Reg. Nec dicere licet parochos irrationabiliter esse invitatos; cum, e contrario, nova concessio exemptionis in praesentibus rerum adiunctis irrationabilis aut saltem inopportuna merito censeatur. Siquidem in praesentiarum hospitalia haec nullo modo subsunt vel subesse possunt, ut sacri canones exigunt, inspectioni et visitationi Ordinarii; non adsunt in illis, nec ulla spes affulget ut ibi restitui valeant, cappellani olim constituti; quin immo, cappellae seu sacella ipsa clausa fuerunt, nec iterum aperiri possunt, et omnis sacra supellex vendita aut distracta est. In his rerum adiunctis, quisque perspicit concedendae exemptionis nullum usum legitimum fieri posse, ideoque nec iustae concessioni locum esse. Res adeo perspicua est, ut idem Patriarcha suo decreto non antiquam hospitalium iuridicam conditionem restituere valuerit, sed in altera eiusdem decreti parte, sublata cappellanorum ordinatione, curam commiserit parochis in quorum finibus hospitalia sunt. Ubi tamen non solum laedit strictum ius parochorum, qui ratione domicilii sunt infirmorum proprii, sed etiam cappellanorum ius ex antiqua ordinatione, cui praesens violenta rerum conditio nullum profecto detrimentum inferre valet, quaesitum est. Hi enim cappellani, uti patet ex actis, paratos se exhibent ad curam infirmorum, etiam durantibus praesentibus circumstantiis, gerendam, nec laicale Gubernium rei infensum se praebere videtur; quamvis autem illos in hospitali commorari non permittat, facile remedium erit, si in vicinia commorantur, unde cito advocari possint; nec renunt cappellani cum parochis transactionem quamdam initere circa lucra, funerum praesertim causa obventura. Dato, non concesso, quod exemptio hospitalibus sit integra servanda, iterum sustineri non videtur decretum Patriarchale, qua saltem ex parte cappellanis praetermissis, in eorum locum vocat parochos territorii, quibus nullum ius, ut S. H. C. millies sancivit, in re competit. Ex adverso, decretum Emi Patriarchae dicitur et demonstratur omnino legitimum. Sane, hoc decretum 28 decembris 1915 nihil aliud praestitit nisi quod redemptionem hospitalium, qualem statuerat decretum praecedentis

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Patriarchae a. 1873, immutatam servavit et solummodo, loco...

[*Latin ed. p. 141*]

The Holy Congregation of the Council decreed that 141 chaplains, ejected from hospitals by force, should, as long as these chaplains cannot be restored to the hospitals, have their spiritual care entrusted provisionally to the respective parish priests, in whose territory the individual hospitals are located.

However, the decree of the Most Reverend Patriarch contains nothing that would infringe upon the true right of the parish priests, or indeed, upon the right of any of the chaplains. For, in the retention of the exemption, it did not violate any right of the parish priests, if the exemption had been legitimately granted by his predecessor; but the legitimacy of this exemption can certainly be defended.

Indeed, we do not yet have, in law, a clearly expressed general principle that the Bishop can exempt certain persons or a certain place from the ordinary jurisdiction of the parish priests. It is true that there are those who seem to require, for particular cases, a pontifical privilege for this exemption, as cited by Cardinals De Luca and Ursaya. But more recent Doctors are increasingly inclined to establish such a general principle, provided that canonical causes or conditions are presupposed, and they specifically apply this general principle to the particular case of a hospital. This doctrine has also been approved by the Holy Roman Rota, in a case concerning an exemption and burials in Vicenza (25 March 1915), and has not received any censure from the Supreme Apostolic Tribunal (cf. Acta Apostolicae Sedis, VIII, p. 206 ff.).

Indeed, there is a juridical congruity for this power of the Bishop, so that just as the Supreme Pontiff can remove persons and places from the jurisdiction of the Bishop, so too can the Bishop remove a particular place from the jurisdiction of the parish priest. And although it is immediately apparent that there is a difference between the power of the Supreme Pontiff and the Bishop, namely that the Supreme Pontiff can also abolish acquired rights, while the Bishop cannot; this very true distinction does not seem to apply to the present question. For the parish priest certainly has an acquired right to the jurisdiction over the entire parochial territory to which he is assigned; but he does not seem to have an acquired right, recognized by common law, that this or that place legally belongs to the parochial territory; otherwise, divisions and dismemberments of parishes by the proper and ordinary authority of the Bishops could not be made, but would require the authority of the Supreme Pontiff, which is manifestly contrary to the law of decrees (cap. Ad audientiam, 3, De eccles. aedif.) and the Council of Trent (session 21, cap. 4, de ref.). In this regard, Cardinal Gennari openly defends this power of the Bishop (Quistioni canoniche, n. 337), where he poses the question of whether the Bishop, by his own authority and without the

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consent of the parish priest, can remove a hospital from the jurisdiction of the parish priest, and without any hesitation, he answers:

[*Latin ed. p. 142*]

142 Acta Apostolicae Sedis - The Official Commentary states that this is the case, and it confirms its undoubted assertion by the fact that the Bishop, even against the will of the parish priest, can divide a parish. Indeed, between division and exemption, there is complete equivalence with respect to the power of the Bishop; for whether a territory is taken from one parish priest and added to another parish, as happens in a division, or is entrusted to the care of a chaplain, whose support is provided by the administration of that place, as happens in the exemption of a hospital, it makes no difference to the power of the Bishop, which, if it were limited, would be limited by the rights of that from whose territory the place is taken. But whether the removal of the territory is done through division or through exemption, the same effect is produced in the diminution of the jurisdiction of the parish priest from whose territory the place is removed. Furthermore, this doctrine is confirmed by Cardinal Gennari, citing decisions of this Holy Congregation (namely, Gomen. - Iurisdict, paroec, May 20, 1882, March 4, 1880 [or more correctly, S. C. Ep. et Reg., in Suesscm. - Confín, paroec, February 16, 1883]), although these decisions do not properly concern the granting of an exemption, but rather the division of territory, even against the will of the parish priest (Cf. Gennari, Quest. canon., n. 66, p. 102 ff.). Similarly, Many (De locis sacris, n. 172), after explaining the law concerning the burial of those who die in a hospital, adds: "If, however, the hospital is exempt (by pontifical or episcopal authority, or by custom), it must be considered whether..." where he assumes as certain and undoubted that the exemption of a hospital can arise not only from the authority of the Holy Father and from custom, but also from episcopal authority. This is also agreed upon by Duballet, Traite des paroisses, vol. II, n. 1085; cf. also Rouix, De parocho, p. 653. This also relates to the commonly held doctrine that the power of the Bishop, in his own proper and ordinary authority, includes the faculty of exempting a religious community, a convent, or a hospital from the jurisdiction of the parish priest, so that its care may be entrusted to a chaplain; as Wernz (Ius Decret., vol. II, n. 878) states: "Not only by apostolic indult and legitimate custom, but also by the statute of the Bishop, can a religious community, or a convent, or a hospital, or similar institutions, although remaining within the parish, be exempted from the ordinary care of the parish priest and be subject to a chaplain of their own." Other Doctors also hold this view. Furthermore, the legal reason seems to be the same in the case of a religious community and in the case of a hospital; for in both cases, the extent of the jurisdiction of the parish priest is diminished. In practice, this exemption has been very frequently carried out by the Bishop. The arguments presented confirm the

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solid jurisprudence of the Patriarch of Lisbon.

[*Latin ed. p. 143*]

The Holy Congregation of the Council was founded on the basis of the decision made in 1873 regarding the exemption of hospitals from parochial jurisdiction. Furthermore, the pastors of Lisbon did not oppose this decree for a period of more than 40 years; therefore, it is difficult to conceive that their strict rights were thereby violated. Moreover, in this matter, we have a prescription of 40 years, which alone would be sufficient – according to chapter 1, 2, on prescriptions, in Volume VI – to render the exemption entirely unassailable (cf. Pignatelli, *Cons. can.*, IX, 152, n. 17; Oe Luca, *De parochis*, diss. 23, n. 6; diss. 38, n. 28). If the decree of 1873 from the preceding Patriarch of Lisbon is to be considered as having legal force, then today, since the chaplains have been expelled from the hospitals by the new Government, the decree of the present Eminent Patriarch of Lisbon in 1915, insofar as it maintains the exemption of the hospitals with the hope of restoring the chaplains, must also be considered entirely legitimate. If, therefore, that part of the decree of 1915 is to be upheld, it also has legal value, and it is not detrimental to parochial rights, with regard to the other part, in which the temporary care of the hospitals is entrusted to the pastor of the respective parish where the hospitals are located. For the material expulsion of the chaplains did not change the legal status of the hospitals, nor could they thereby be reduced to common law. As long as the special law of the exemption remains in force, by which these hospitals are immediately subject to the Bishop, it belongs to the Bishop, according to his prudence, while the circumstances persist, to arrange for the temporary spiritual administration of them in such a way that it is better for the spiritual well-being of the sick in those institutions; and in this matter, the pastors have no right to interfere, since they have not regained the jurisdiction, which was lost through the exemption and the material expulsion of the chaplains. Furthermore, it was more appropriate and more fitting that the temporary care be entrusted to the pastor in whose territory the hospitals are located; otherwise, the same confusion would return in the administration of the sacraments, if the pastor of the domicile, who might be far away, had to be summoned for each sick person, which, according to Cardinal De Luca (loc. cit.), was the principal reason for granting this exemption. Nor can the expelled chaplain claim any right, because, as was expressly stated in the decree of exemption, these chaplains were to be nominated or confirmed by the Bishop each year, at the proposal of the administrators; therefore, after the year had elapsed, they lost all rights, unless they were confirmed by the Bishop. From the foregoing, it appears that the decree of the Eminent Patriarch of Lisbon is entirely legitimate, and that some pastors have unjustly revolted against it. Furthermore, these

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same pastors admitted that...

[*Latin ed. p. 144*]

144 Acta Apostolicae Sedis - Commentarium Officiale: exemptionem, si in casu concurrerent tres conditiones, sententia necessariae: videlicet inspectio Ordinarii, ordinatio cappellanorum debite institutorum, et sacellum in ipso hospitali patens; quae tria cum non verificentur in casu, praetendunt, propter impeditum usum exemptionis, esse redeundum ad ius commune. Verum illae circumstantiae non sunt conditiones requisae ad exemptionem, sed sunt dumtaxat obligationes quarum curandum onus in se suscipit Episcopus, qui hospitale subtrahita iurisdictione parochi. Haec enim subtractio fieri nequit, nisi ex rationabili causa melius consulendi bono spirituali infirmorum in hospitali decumbentium; quae cura spiritualis rite non potest obiri nisi ipsi praeponantur apti sacerdotes et adsit cappella sive in ipso hospitali sive saltem ipsi adnexa; quod autem attinet ad visitationem Episcopi, haec causa nihil addit ad praesentem controversiam: sive enim cappellani sive parochi curam spiritualem habeant, Episcopus potest et debet hospitale visitare. Ceterum, quod cappellani sint eiecti, quod sacella sint clausa, quod Episcopus non sinatur visitare hospitale, hoc est ex coactione Gubernii, quae iuris statum et conditionem non mutat. Episcopus interim tenetur meliore modo, quo secundum suam prudentiam iudicat, supplere, ne ibi degentibus infirmis desit conveniens cura spiritualis; iam vero in se est modus convenientissimus, usque dum cappellani restitui non possunt, ut cura spiritualis geratur ab illo parocho, in cuius territorio invenitur hospitale, qui et ceteris sit proximior et in viciniore ecclesia adsit, unde possit sumere sacramentum moribundis deferenda. - His omnibus rite relatis, Emi ac Rmi S. Congregationis Concilii Patres, in plenario conventu habito die 21 aprilis 1917 in Palatio Apostolico Vaticano, de sententia rogati super dubio: An et quo modo decretum Emi Patriarchae Lisbonensis diei 28 decembris 1915 sit confirmandum vel infirmandum, in casu; responderunt: Decretum Emi Patriarchae esse confirmandum. Et amplius. * RESOLUTIO. Quam Emorum Patrum resolutionem SSmus Dominus Noster Benedictus Div. Prov. P. p. XV in audientia habita ab infrascripto Secretario die xx in eiusdem mensis et anni, approbare et confirmare dignatus est. I. MORI, Secretarius.

Translation:

144 Acta Apostolicae Sedis - Official Commentary: Regarding exemptions, if three conditions are present in a case, the opinion is necessary: namely, the inspection of the Ordinary, the proper institution of chaplains, and the presence of a chapel within the hospital; if these three conditions are not met in a case, it is argued, due to the impeded use of the exemption, that the case should revert to common law. However, these circumstances are not the required conditions for the exemption, but rather obligations that the Bishop undertakes to fulfill, who removes the hospital from the

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jurisdiction of the parish priest. This removal cannot be made except for a reasonable cause to better provide for the spiritual well-being of the sick who are staying in the hospital; this spiritual care cannot properly be provided unless suitable priests are appointed and a chapel is present, either within the hospital itself or at least attached to it; furthermore, with regard to the visit of the Bishop, this matter adds nothing to the present controversy: whether chaplains or the parish priest have spiritual care, the Bishop can and should visit the hospital. Moreover, the fact that chaplains have been expelled, that chapels have been closed, and that the Bishop is not allowed to visit the hospital, is due to coercion by the government, which does not change the legal status and condition. In the meantime, the Bishop is obligated to provide, in the best way he judges according to his prudence, to ensure that the sick who are staying there do not lack proper spiritual care; indeed, the most convenient way, as long as the chaplains cannot be restored, is for the spiritual care to be provided by the parish priest in whose territory the hospital is located, who is also closer to others and is present in the nearest church, from where he can bring the sacraments to the dying. - Having stated all of this properly, the Most Reverend and Most Reverend Fathers of the Congregation of the Council, in a plenary session held on April 21, 1917, in the Vatican Apostolic Palace, when asked for their opinion on the question: Whether and in what way the decree of the Most Reverend Patriarch of Lisbon, dated December 28, 1915, should be confirmed or amended, in this case; they responded: The decree of the Most Reverend Patriarch should be confirmed. And furthermore. * RESOLUTION. The Most Holy Pope Benedict XV, in an audience held by the undersigned Secretary on the twentieth day of the same month and year, has deigned to approve and confirm the resolution of the aforementioned Fathers. I. MORI, Secretary.

[*Latin ed. p. 145*]

Sacred Congregation of Rites, 145. SACRED CONGREGATION CONCERNING RELIGIOUS ORDERS. NOTICE. Let all, both clergy and laity, from the assembly of the faithful, know that no one, namely, Paulino, formerly Abbot of St. Michael of Frigolet, has been granted the faculty to collect alms for Masses; and therefore, whoever should presume to entrust the celebration of Masses to him, and to give stipends, besides the dangers that such a commercial transaction entails, will incur all the burdens and canonical penalties prescribed in the Decree "Ut debita," of the Sacred Congregation of the Council, dated May 11, 1904, and in another, "Ut in posterum," dated May 22, 1907. Given in Rome, from the Secretariat of the Sacred Congregation for the Affairs of Religious Orders, on March 20, 1918. I, ADOLPHUS, Bishop of Canopita, Secretary. SACRED CONGREGATION OF RITES. AUGUSTODUNEN. DECREE OF CANONIZATION. CONCERNING THE BLESSED VIRGIN

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MARY, MARGARET MARIA ALACQUE, NUN, PROFESSED, OF THE ORDER OF SUPERIOR NUNS, regarding two miracles, after ALACQUE, VISITATION. Whether, with the approval of the Apostolic See, it may be permitted to proceed safely to the solemn and universal veneration of the aforementioned Blessed One, and whether a certain series of acts, which in this most noble cause have hitherto been carried out, may spontaneously reveal themselves more clearly, as if of their own accord, before the eyes; for it is worthy of special note. In the year one thousand seven hundred and fourteen, which was the fourth year after the twentieth, Margaret Maria Alacoque, a nun, ACTA, vol. X, n. 4. — 1-4-918. 10

[*Latin ed. p. 146*]

146 Acta Apostolicae Sedis - The Official Commentary of the Order of Visitation of the Blessed Virgin Mary, having released her from the bonds of the body and borne aloft by the wings of love, was the divine Bride. In the ecclesiastical court of Autun, a regular investigation, diligently and zealously conducted, concerning the life, virtues, and miracles of this saint, was initiated. It began in the month of October, on the fifteenth day of the year one thousand seven hundred and thirty-four, and was completed on the eighteenth day of the month of September of the following year, one thousand seven hundred and thirty-five. This investigation, as it is commonly called, was conducted by the Ordinary of the place where the Handmaid of God, Margaret Mary, lived, died, and where her sacred remains are kept. The proceedings were carefully preserved, and access to them was granted, within a brief interval, not exceeding ten years, for the purpose of introducing the cause of Beatification of the aforementioned Handmaid of God, Margaret Mary Alacoque, to the Congregation of Sacred Rites.

However, what has been readily granted to countless other Servants of God, with the plain and direct assistance of the law, is that, after the preliminary investigations have been completed and the necessary powers have been delegated in Rome, and after all other requirements prescribed by law have been met, the cause of Beatification may begin before the Apostolic See. But, contrary to this, it was not permitted for the Handmaid of God, Margaret Mary Alacoque, to achieve this, not after a few years, but only after an entire and, indeed, a very long period had elapsed. It was only in the year one thousand eight hundred and twenty-four that the "Signature," as it is called, of the Commission was obtained from Pope Leo XII.

And when those investigating the matter came to examine it, the first thing that presented itself was that Margaret Mary Alacoque had experienced a life marked by a most grievous notoriety, having lived through an age in which the doctrines of the Jansenist heresy were widely and extensively disseminated. Since it was not difficult to find a recitation suitable for the cult of the Most Sacred Heart of Jesus, it is easily understood that the Jansenists and their adherents, in order to contradict the devotion to

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the Most Sacred Heart of Jesus and to oppose it more strongly, attacked Margaret Mary with all their might. They did not cease to harass her with insults and reproaches, and especially to slander her name and hold her in contempt. Moreover, even after her death, they did not abandon the malice they had always harbored towards her, but rather became more vehement and more implacable, and their attacks became even more grievous.

[*Latin ed. p. 147*]

The Holy Congregation of Rites decreed, in order to prevent obstacles, that no process should be initiated concerning the life, virtues, and miracles of that saint, and that, once completed, the matter should be transmitted to the Sacred Congregation of Rites in Rome. However, the Author and Governor of human affairs, God, has so ordered the course of events, both in the past and in the present, that the most holy Society of the Sacred Heart of Jesus and the cause of the Beatification and Canonization of Blessed Margaret Mary Alacoque have been joined together as if by a certain pact, so that, at the very time when the cult of the Sacred Heart of Jesus has been spread and propagated throughout the world with such great and abundant fruit for souls, the cause of Blessed Margaret Mary Alacoque, with all that is necessary having been duly and properly completed, may attain its highest goal. Therefore, it happened that in the general assemblies of the Sacred Congregation, which were held on the fifth day of the preceding month of February, before the Most Holy Lord our Pope Benedict XV, with the proposal presented by the Most Reverend Cardinal Anthony Vico, the Relator of the cause, regarding the question: "Whether, with the approval of two miracles, it is possible to proceed safely to the solemn Canonization of Blessed Margaret Mary Alacoque, after the veneration of the Blessed has been granted by the Apostolic See?" all those present, the Most Reverend Cardinals and the Consultors, unanimously judged that it is possible to proceed safely. Nevertheless, the Most Holy Lord our Pope wished to remind all those present that it is still necessary to insist in prayer to God, that He may, at the appropriate time, pronounce His decree on this important matter with safety and illuminated by divine light. Today, on the Sunday of the Passion, the Divine Host being fervently offered, the Most Reverend Cardinal Anthony Vico, Bishop of Porto and Santa Rufina, Pro-Prefect of the Sacred Congregation and Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, the undersigned Secretary, were summoned to the Vatican, and before us, He solemnly declared: "It is possible to proceed safely to the solemn Canonization of Blessed Margaret Mary Alacoque." This Decree was ordered to be published, to be entered in the records of the Sacred Congregation of Rites, and letters apostolic concerning the solemnities of the Canonization, to be delivered as soon as possible in the Vatican Basilica, on the sixteenth day before the Kalends of April, in the year 1918.

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ANTONIUS CARD. S. VICO, B. C. E p. Porto and Santa Rufina, Pro-Prefect.

Alexander Vérde, Secretary.

[*Latin ed. p. 148*]

Acts of the Apostolic See - Official Commentary 148. DECREE CONCERNING THE BEATIFICATION OF OLIVER PLUNKET, OR THE DECLARATION OF THE PRIMATE OF IRELAND, REGARDING WHETHER THE MARTYRDOM AND CAUSE OF THE VENERABLE SERVANT OF GOD, ARCHBISHOP OF ARMAGH, ARE ESTABLISHED.

Whether there are signs or miracles in the case, or effects pertaining to the matter under consideration? The execution and the manner of the execution, which the venerable Servant of God, Oliver Plunket, Primate of Ireland and Archbishop of Armagh, suffered on the first day of July, in the year one thousand six hundred and eighty-one, are faithfully and graphically described, and it was not difficult for a prudent, sagacious, and sober investigator of truth to persuade himself, after carefully considering all things, with a just judgment and a balanced mind, and after duly weighing the evidence diligently obtained beforehand, that this event possessed the conditions necessary for the true name of martyrdom, and that it was worthy of the highest distinction.

For, having established with certainty the true account of the facts, which contains the material of the martyrdom, it was necessary to proceed to investigate, with careful inquiry and just evaluation, both from the side of the Servant of God and from the side of the tyrant or persecutor, as the most ancient and celebrated saying rightly and gravely warns, which theologians have constantly and incorruptly transmitted throughout the ages, when they are engaged in discussing Christian martyrdom; namely: "A martyr is not made by punishment, but by cause."

Although the venerable Servant of God, Oliver Plunket, like the persecutors of the ancient Church, was accused of conspiracy against the king and the kingdom, he nevertheless suffered no harm from this, which is required and prescribed by the nature of the law concerning formal martyrdom, and which is justly condemned. On the contrary, the very common and truly dissimilar explosion of the crime of this false accusation has become a more and more evident demonstration.

[*Latin ed. p. 149*]

The Holy Congregation of Rites, in its decree number 149, declared that the venerable Oliver Plunket, Primate of Ireland and Archbishop of Armagh, nobly gave his life as a martyr for the Catholic faith, for the divine primacy of the Roman Pontiff, and for the upholding and defense of ecclesiastical discipline. Since these things are so, it is fitting indeed to commend those who have earned such praise, and the Most Eminent Cardinal Francis

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Moran, Archbishop of Sydney, justly claims a place among them, whose outstanding efforts and diligence have led to the initiation of the cause for the Beatification, or declaration of martyrdom, before the Apostolic See, and whose cause has since proceeded with great zeal, so that, after preliminary investigations have been completed and other matters have been favorably resolved, as is customary in the cases of those seeking to be declared martyrs, access to the principal question, which concerns the martyrdom and its cause, and to the evidence or miracles, has been open for nearly four years.

Indeed, on the fourteenth day of the month of July in the year nineteen hundred and thirty-four, the preparatory congregation was convened, and the following year, on the nineteenth day of the month of June, the preparatory congregation was followed, and on the fifth day of the month of February of this current year, before the Most Holy Pope Benedict XV, a General Congregation was held. In this, the Reverend Cardinal Vincent Vannutelli, the Relator of the cause, proposed the following question for discussion: Whether it is established that there was a martyrdom and a cause of martyrdom, and whether there are signs or miracles in the case in question. The Reverend Cardinals and Fathers Consultors, in turn, cast their votes, and with all of them, except for one, received with a joyful and studious spirit, the Most Holy Pope deferred his final judgment to another time, intending, in the meantime, to gather a wealth of divine light through fervent prayers.

Having decided this, he chose today, the Sunday of the Passion, on which day the feast of Saint Patrick, the Apostle of Ireland, falls this year, whom the holy Pope Celestine sent to the illustrious people of Ireland: whose apostolic mission and preaching bore such abundant fruit that Ireland, which had previously worshipped idols, soon became known as the Island of Saints (Pope Benedict XIV, apostolic letter *Grave et permolestum*, dated August 15, 1741). Therefore, having offered prayers to God, the Blessed Father wished to summon to the Vatican the Reverend Cardinals Anthony Vico, Bishop of Porto and Santa Rufina, the Pro-Prefect of the Congregation of Sacred Rites, and Vincent Vannutelli, Bishop of Ostia and Preneste, Prefect of the Sacred College.

[*Latin ed. p. 150*]

From the *Acta Apostolicae Sedis*, Official Commentary, number 150, and concerning the cause, the Relator, together with Reverend Father Angelo Mariani, Promoter of the Faith, and myself, the undersigned Secretary, and in their presence, solemnly declared: Thus it is established concerning the Servant of God, Oliver Plunket, that the process concerning his martyrdom and the cause of his martyrdom may proceed further; and for this purpose, it was ordered that this decree be made public and recorded in the acts of the Sacred Congregation of Rites, on the sixteenth day before

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the Kalends of April, in the year 1918.

† A. CARD. S. Vico, Archbishop of Porto and Santa Rufina, and Substitute.

L.©S. Alexander Verde, Secretary.

[*Latin ed. p. 151*]

Sacred Penitentiary Apostolic ACTA 151. SACRED TRIBUNALS. SACRED PENITENTIARY APOSTOLIC, SECTION ON INDULGENCES. I. An Indulgence of Three Hundred Days is Granted to Those Who Recite the Following Prayer to the Crucified Christ. On January 18, 1918, the Most Holy Pope Benedict, of blessed memory, Province P. p. XV, having granted an audience to the undersigned Cardinal Penitentiary Major, has deigned to grant to the Christian faithful, who, with at least a contrite and devout heart, recite this following prayer to the Crucified Christ: "Lord, I thank you that you died on the cross for my sins," as Saint Paul commends, especially in the Sacred Missions, an indulgence of three hundred days, applicable also to the souls of the faithful departed who are in the grace of God, which may be gained once a day, with the usual conditions. This present grant is valid forever, without any further brief. Notwithstanding anything to the contrary. WILLIAM CARDINAL VAN ROSSUM, Major Penitentiary. L. % S. F. Borgongini Duca, Secretary.

[*Latin ed. p. 152*]

Acts of the Apostolic See - Official Commentary 152 II ACT. A CERTAIN PRAYER OF PIETY, TO BE RECITED BY THE ANGELIC GUARDIAN BEFORE THE HOLY EUCHARIST.

Most Blessed Father, the Superior General of the Congregation of the Daughters of Charity, Saint Vincent de Paul, humbly prostrates herself before Your Holiness and reports: The Venerable Foundress of the aforementioned Institute, Louise de Marillac, when, during her journeys, she encountered a church, piously used to recite the following prayer to her Angelic Guardian, which she also employed when detained by illness or by duties: "O my dear Angel, go, I implore you, where my Jesus rests; tell this divine Savior that I adore Him and that I love Him with all my heart. Invite this adorable Prisoner of Love to come into my heart, to fix His dwelling there. This heart is too small to house so great a King, but I wish to enlarge it through love and faith."

That this practice, which has arisen from ancient tradition within the humble Congregation of the Daughters of Charity, and which is fitting to be spread among all the faithful, may bear abundant spiritual fruit, the supplicant humbly requests that Your Holiness deign to grant, with paternal benevolence, an indulgence of three hundred days, applicable also to the souls of the departed detained in the fire of Purgatory, to all and each of the Christian faithful, whenever they have imitated this devout custom in

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similar circumstances. And God, etc.

February 1, 1918. His Most Holy Eminence, N. N. D. Benedict, Prefect of the Sacred Congregation for the Propagation of the Faith, in an audience granted to the undersigned Cardinal Penitentiary Major, graciously granted the requested favor perpetually, without any brief. Notwithstanding any contrary decrees.

WILLIAM CARD. VAN ROSSUM, Prefect Major of Penitentiaries.

Borgongini Duca, Secretary.

[*Latin ed. p. 153*]

153 The Apostolic Penitentiary, Decree III, AMPLIFIES THE INDULGENCE ALREADY GRANTED TO THOSE WHO RECITE THE PRAYER FOR THE CONVERSION OF JAPAN. Pope Pius X, of blessed memory, on July 8, 1909, benignly granted to all the faithful, those who, with at least a contrite heart, devoutly recite the following prayer for the conversion of the Empire of Japan, an indulgence of three hundred days, applicable also to the deceased, to be gained once a day: "O Mary, shining morning star, who, appearing for the first time on earth, signified the approaching dawn of the Sun of justice and truth: deign to shine gently upon the citizens of the Empire of Japan, that they may soon, having dispelled the darkness of their minds, recognize the splendor of the eternal Light, their Son, our Lord Jesus Christ. Amen." Recently, humble prayers were presented to His Holiness Pope Benedict XV, that the indulgence already granted be augmented with a plenary indulgence, to be gained once by those who have recited the same prayer throughout the entire month, with the condition that they have confessed and approached Holy Communion, and have devoutly prayed according to the mind of the Supreme Pontiff. And His Holiness, on January 16, 1918, deigned to grant this, permanently, without any brief. An authentic copy of the concession mentioned above was exhibited, as is proper, to the Holy Apostolic Penitentiary Tribunal, Section for Indulgences, on January 19, 1918. Thus it is. At Rome, in the Holy Penitentiary, on February 26, 1918.

L.©S. Bernardus Colombo, Secretary.

[*Latin ed. p. 154*]

Acts of the Apostolic See - Official Commentary 154 IV QUESTIONS ASKED TO THE HOLY FATHER REGARDING INDULGENCES ATTACHED TO THE DEVOTION TO THE MOST HOLY HEART OF JESUS (COMMONLY CALLED "THE DEVOTION OF CONSECRATING THE HOME TO THE HOLY HEART"). On May 19, 1908, Pope Pius X, with all the faithful, granted that those who, using a certain formula, consecrated their family to the Most Holy Heart of Jesus, would receive: 1° a plenary indulgence, to be obtained on the day of the consecration, provided the usual conditions are fulfilled; 2° also, a plenary indulgence each year, upon

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renewing the formula of consecration. In the year 1913, new indulgences were granted by the same Supreme Pontiff. The Bishops of the Republic of Chile, in fact, petitioned: "Most Blessed Father, - The Archbishop of St. James of Chile and all other Ordinary Prelates of that Republic, prostrate at your feet, humbly explain: Not long ago, and with great spiritual fruit, a pious practice of consecrating homes to the Most Holy Heart of Jesus has existed in the Republic of Chile, namely: The inhabitants of the house are warned in advance, on a designated day, a priest or another minister blesses the image of the Most Holy Heart of Jesus, which is placed in a prominent location, and recites with the entire family a certain formula of reparation and consecration. If a priest cannot be present, the image is previously blessed, and the formula is recited by some lay person. Since many good things flow from this pious practice, all the aforementioned petitioners humbly request that, in order that its fruits may be increased, it be worthily enriched with indulgences. And God, etc." To which petition the following response was given: "On July 24, 1913. "His Holiness, Pope Pius, of blessed memory, Pius X, through the faculties granted by His Eminence, the Cardinal Prefect of the Sacred Congregation, has deigned to grant the following indulgences for the dioceses of the Republic of Chile: 1° Seven years and forty days, to be obtained by all members of the family, on the day on which the aforementioned pious practice is instituted in their own home, if they are present with at least a contrite heart and with devout recollection of the aforementioned ceremony; 2° A plenary indulgence, if, in addition, on the same day, those same faithful, having confessed and having received Holy Communion, devoutly visit some church or public oratory, and there offer pious prayers according to the mind of the Supreme Pontiff; 3° Thirty days, to be obtained each year by the members of the family, on the anniversary of the institution of this practice in their own home, if, before the image of the Most Holy Heart of Jesus,

[*Latin ed. p. 155*]

The Sacred Penitentiary Apostolic "had renewed the act of consecration. It is valid for the next ten years. " Notwithstanding any objections whatsoever. - By order of His Eminence, Cardinal Secretary Aloysius Giambene, Substitute for Indulgences." These Indulgences were benignly extended by the Most Holy Pope Benedict XV, in his decree of April 27, 1915, number 1, to all families of the Catholic world. Furthermore, to the Sacred Penitentiary Apostolic, to which all matters concerning indulgences are referred, the following questions were posed: 1° Whether, in order to obtain the indulgences attached to this pious practice, it is necessary for families to consecrate themselves to the Most Sacred Heart of Jesus in each individual home, or whether it is permissible, with assembled families, to perform the ceremony in a church, where the matter can be carried out with greater

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solemnity and devotion? 2° When it is not possible for a priest to be present, may an image of the Most Sacred Heart of Jesus, previously blessed, be placed by a lay person, and the formula of consecration recited? 3° Whether, in order to obtain the indulgences attached to this pious practice, it is required that the formula of consecration, established in the decree of May 19, 1908, be used.

ACT OF CONSECRATION OF THE FAMILY TO THE MOST SACRED HEART OF JESUS.

O Sacred Heart of Jesus, who revealed to the blessed Margaret Mary your desire to reign over Christian families, we come today to proclaim your absolute dominion over our family. We wish to live henceforth according to your will, to cultivate in our hearts the virtues to which you have promised peace on earth, and to keep far from us the worldly spirit that you have cursed. You will reign in our minds through the simplicity of our faith, in our hearts through the boundless love with which they will burn for you, a flame that we will keep alive by frequently approaching your divine Eucharist. Deign, O Divine Heart, to preside over our gatherings, to bless our spiritual and temporal endeavors, to alleviate our sorrows, to sanctify our joys, and to console our pains. If any of us should have the misfortune to cause you distress, remember, O Heart of Jesus, that you are good and merciful to the sinner who repents. And when the hour of separation arrives, when death comes to cast mourning among us, all of us, those who depart and those who remain, will be subject to your eternal decrees. We will find consolation in the thought that one day, the entire family, united in Heaven, will forever sing your praises and recount your benefits. May the Immaculate Heart of Mary, and the glorious Patriarch St. Joseph, present this consecration to you and keep it present in every day of our lives. Long live the Heart of Jesus, our King and our Father! (Latin FORMULA OF CONSECRATION OF THE FAMILY TO THE MOST SACRED HEART OF JESUS)

O Most Sacred Heart of Jesus, you revealed to the blessed Margaret Mary your desire to reign over Christian families: behold, that we may please you, we come today to proclaim the fullness of your dominion over our family. We wish henceforth to live according to your...

[*Latin ed. p. 156*]

Acts of the Apostolic See - Official Commentary 156 4° Whether the indulgence of three hundred days, concerning which in the Decree of July 24, 1913, is expressly attached to the anniversary of the family's consecration? And the Holy Tribunal, on February 26, 1918, judged that: Affirmative to the first part; negative to the second. The judgment concerning this matter is referred to the prudent judgment of the Ordinary of the place. Affir-

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mative. This indulgence can be obtained each year on that day, before the image of the Most Sacred Heart of Jesus, by renewing the act of consecration. All of these things, signed on that day, were presented to the undersigned Cardinal Major Penitentiary in an audience, and the Most Holy D. N. Benedict, by divine Providence Pope XV, confirmed and ratified them. Contrary things notwithstanding. Given in Rome, in the Holy Penitentiary, on March 1, 1918. WILLIAM L., Cardinal Van Rossum, Major Penitentiary. S. F. Borgongini Duca, Secretary.

We wish to live a life, and we desire that the virtues, by which You promised peace on earth, may flourish in the bosom of our family; we wish to banish far from us the spirit of the world, which You have condemned. You will reign in our minds through the simplicity of our faith, in our hearts through Your love alone, with which we will burn for You, and to which we will dedicate ourselves, preserving this flame through frequent reception of the divine Eucharist. Deign, Divine Heart, to guide us in all things, to bless our spiritual and temporal affairs, to ward off troubles, to sanctify joys, to remit sins. If ever anyone among us should fall into such sorrow as to grieve You, let him remember that, Divine Heart of Jesus, You were full of goodness and mercy with the sinner who repented. And when the hour of separation sounds, and death brings sorrow into the bosom of our family, we all, whether departing or remaining, will submit ourselves to Your eternal decrees. This will be our comfort, to remember that the day will come when our entire family, united in heaven, will be able to sing Your glory and Your benefits forever. May the Immaculate Heart of Mary, may the glorious Patriarch Saint Joseph, deign to offer this consecration to You, and may they preserve the memory of it alive in each of us, every day of our lives. Long live the Heart of Jesus, our King and our Father!

[*Latin ed. p. 157*]

157 The Most Holy Apostolic Penitentiary, V, grants a plenary indulgence of 300 days to those who recite a certain prayer to the Sacred Heart of Jesus. On March 15, 1918, the Most Holy Pope N. D. Benedict, of divine providence, Pope XV, in an audience granted to the undersigned Regent of the Most Holy Apostolic Penitentiary, has deigned to grant, to all the Christian faithful, the following prayer: "O Sacred Heart of Jesus, be known, be loved, be adored, at least with a contrite and devout heart, to those who recite it, a plenary indulgence of 300 days, applicable also to the souls of the faithful departed who are in the grace of God, to be obtained once a day." This grant is valid from the present time and perpetually, without any brief being required. In contradiction to anything to the contrary. L.©S. Bernardus Colombo, Regent of the S.P. I. Bapt. Menghini, Substitute.

[*Latin ed. p. 158*]

158 Acta Apostolicae Sedis ●●- Official Commentary of the SACRED

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ROMAN ROTA OF LYONS. NULLITY OF MARRIAGE (GORTAY-PERROUDON) Under the blessed reign of Pope Benedict XV, in the third year of his pontificate, on the 5th of June, 1917, the Most Reverend Fathers, John Prior, President; Seraphinus Many and Aloysius Sincero, Auditors from Tournon, in the cause of the nullity of marriage, between Claudius Cortay, the plaintiff, appellant, represented by the Reverend Carmel Conte, his official procurator, and advocate, and Ludovica Perroudon, the intervenor and defender in the cause of the marriage bond, by virtue of his office, rendered the following definitive judgment.

1. Gaspard B. Perroudon, wishing to marry his daughter, Ludovica, proposed to her a certain man, named Claudius Cortay, as her future husband. Although the young woman was not particularly attracted by the proposed marriage, nevertheless, obeying the counsel of her father, she accepted, and on the 18th of April, 1898, in the parish church of the town of Meaux, in the diocese of Lyons, she was joined in a conjugal bond with the man. However, frequent quarrels disturbed the common life of the spouses, especially after the death of Ludovica's father, four years after the beginning of the marriage; and such discord arose between them that, at the insistence of the man, a civil divorce was decreed eight years after the marriage. The woman immediately entered into other marriages, which were only sanctioned by civil law. However, the man, hoping to regain his freedom, instituted a cause before the Tribunal of Lyons, in which he alleged the nullity of his marriage with Ludovica Perroudon, on the grounds of force and fear, alleging that the woman had not been freely, as required by ecclesiastical law, but had been compelled by her father, or alternatively, that he had entered into the marriage with the intention of dissolving it. The Tribunal of Lyons rendered a judgment favorable to the marriage, on the 26th of July, 1914. However, the man, appealing to the Most Holy Order, presented the case to us, and the question to be decided under the usual formula of doubt is: Whether there exists a nullity in the marriage in this case.

2. Concerning the law: Since there is no specific title in the body of the law regarding the impediment of force and fear, the canonical doctrine concerning the nature of this impediment is derived from various passages in the authentic collection by the authors...

[*Latin ed. p. 159*]

The Roman Rota, in its judgment 459, and especially from chapters 14, 15, and 28 of Title II, "De sponsalibus" (Concerning Betrothals) in Book IV of the Decretals, has ruled. Thus, Alexander III, in chapter "Cum locum," 14, "De sponsalibus," declares: "Where there is no place for consent when fear and coercion intervene, it is necessary that, where the consent of each is required, the matter of coercion be removed. Marriage, however, is contracted solely by consent, and where this is questioned, the one whose mind is to be ascertained must enjoy full security, lest he say that he approves of

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what he hates out of fear, and lest the consequences that usually follow from forced marriages ensue." Therefore, the authors teach that, by reason of grave fear unjustly and forcefully imposed to extort matrimonial consent, marriage is considered null, at least in ecclesiastical law. The fear must be grave, or it must be such as to overcome a steadfast man, as is explained in chapter 15, "Veniens," and chapter 28, "Consultationi eiusdem tituli" (To the Consultation of the same title).

3. Regarding the gravity of the fear, it is evident that it is not required that the fear disturb the reason or bend the will of the person experiencing it to such an extent that only external consent is given, without internal consent; for marriage would then be null, not because of the impediment of force and fear, but because of the lack of consent. But, assuming internal consent, grave fear substantially diminishes the full freedom that the Church considers so necessary for a contract of such importance, which regards the intimate habit of life throughout the course of life; thus, marriage, under the influence of this unjust fear, is considered null and void.

4. For a marriage to be considered null, it is always required and sufficient that the fear be, respectively, grave, or related to the person experiencing the fear; that is, the question of the individual's freedom is the sole concern when it is necessary to judge in concreto whether a particular marriage is vitiated by fear. Therefore, it is sufficient that the fear be grave for the person experiencing it, even if it is grave because the person is of a particularly timid nature, while for others endowed with a stronger mind, in the same circumstances, the fear would not be grave but light. It must be said to be grave in general if the person experiencing the fear apprehends that a serious evil threatens them, which, at least with great difficulty, they could otherwise avoid except by contracting marriage.

5. A fear that is simply reverential, with respect to those over whom we are, (D'Annibale, vol. I, no. 138, ed. 3), is, in itself, light and does not invalidate marriage. Therefore, a) he who fears only the offense of the father or superior, validly contracts marriage (D'Annibale, loc. cit., note 16); because the evil, to the extent that it may seem serious, does not threaten him, as is required by the reason for the fear that invalidates marriage, but rather threatens another; b) also, he who consents to marriage, because he wishes to follow the custom of the father or superior.

[*Latin ed. p. 160*]

160 The Acts of the Apostolic See – the Official Commentary – validly contradicts, because one who is unwilling does not consent (D'Annibale, 1. c.); c) parents lawfully provide counsel, indeed, they often ought to provide counsel, to their children in such a serious matter, especially if they are younger, whether in favor of or against the marriage proposed to them; d) they can use persuasions, provided they are not so importunate as to virtually contain grave threats; e) it is permissible to apply a slight pres-

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sure, or even a reprimand, to them in order to encourage the marriage (Sánchez, book 4, section 22, no. 5); f) it is also permissible to present to the children the reasons urging the marriage, which are contained in the objective circumstances, and which do not depend on the free will of the one who is being influenced: to this point, St. Thomas (supplement, part 3, question 47, article 6): "A father cannot compel his son to marry by command, since [the marriage] is of a free condition, but he can induce him for a reasonable cause; and then the son's relationship to that cause is the same as his relationship to the father's command: namely, if that cause compels [him], or if the father's command similarly compels [him]; otherwise not." The same holds true, as is evident, if the father presents a certain evil, even a grave one, that threatens the daughter if she refuses marriage; for the fear, responding to that imminent evil, would not be caused by a free will, as is required for a marriage to be valid. 6. A reverential fear becomes grave if it is qualified by beatings, or threats, or insistent and importunate prayers, or even by a long-lasting paternal indignation (D'Annibale, vol. 1, no. 138, note 16, ed. 3; Sánchez, book 4, section 6, nos. 12 and 14; Pont., no. 6; Salmant, 9, 9, 34; Goscius, De separ. thori, book 3, chapter 4, no. 87; Rota, before Ludovisi, decree 374, no. 7; and before Royas, decree 491, no. 8; also before Prior, Transylvania. - Nullities of marriage, May 1, 1912; Acts of the Apostolic See, year 1912, p. 476 seq.). 7. In external matters, fear is not presumed to be grave, but it must be proven, and caution must be exercised, as the Instruction of the Holy Office, of June 20, 1883, advises, taking into account the age, sex, character, education, and the fear of the person affected, as well as the character and behavior of the one instilling the fear, and the relationship between them. 8. Regarding the facts, before we proceed to the merits of the case, it will be useful to recall here what has already been explained in a similar case (Besancon, before Many, March 9, 1915), concerning the preliminary question of whether the plaintiff, that is, the woman, has the right to accuse the marriage of being invalid due to force and fear. It would seem, at first glance, that the plaintiff is not legitimate: according to the Instruction of the Holy Office to Eastern Bishops, of the year 1883, no. 36, to accuse a marriage...

[*Latin ed. p. 161*]

The Roman Rota, in Decree 161, concerning marriage nullity based on force and fear, states that a marriage is not declared null on this ground unless the party who experienced the force or fear has clearly demonstrated it; these are the words of the decree: "It must be noted that no one is legally admitted to challenge a marriage on the grounds of force or fear, unless it is proven that they have suffered violence and coercion; however, one who has lived in the marriage for a long time, provided that they have not been deprived of freedom and opportunity to object, should not be heard again if, now free from fear, they voluntarily remain in the conjugal

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home and do not neglect their marital duties" (Collectanea of the Sacred Congregation of the Propagation of the Faith, edition of 1907, no. 1588). The Sacred Congregation of the Propagation of the Faith also has a similar statement in its Instruction of the same year, 1883 (ibid., no. 1587). However, as is clear from the very terms used, these Instructions concern the impediment of fear, which can be remedied by the party who experienced the fear, either through freely consummated relations or through a long and peaceful cohabitation, in accordance with the Decretal Law, chapter "Ad id," 2, "De Sponsalia," and chapter "Insuper," 4, "Qui matrimonium accusare possunt"; and therefore, it concerns either a hidden impediment of fear or even a public impediment of fear in those regions where the decree of Trent had not been promulgated, such as the Eastern regions or those of infidels, to which the aforementioned Congregations directed their Instructions. And in these cases, it is clearly just and proper to reject any external party, and even a spouse who did not experience fear, from challenging the marriage; for the spouse who experienced fear can, by themselves, heal and validate the marriage through the methods indicated above, and thus exclude any challenge to this marriage.

However, the situation is quite different when it comes to a public impediment of fear, or one that can be legally proven, and that is, in regions where the decree of Trent has been promulgated; in these places, it is no longer sufficient to simply have a peaceful cohabitation or freely consummated relations to validate the marriage, but a renewal of consent in the Trent form is required, that is, before a parish priest and witnesses; therefore, since this renewal of consent does not depend solely on the spouse who experienced fear, the other spouse, who does not wish to renew the consent, can rightly be admitted to challenge the marriage. And in this sense, Article 116 of the Austrian Instruction should be understood. Furthermore, the Sacred Congregation for the trial of marriages based on force and fear has, on several occasions, admitted the spouse who did not experience fear, for example, in Massilien, on July 23, 1892; in Burdigala, on December 20, 1902, etc.; and similarly, the Rota, in Lugdunum, before the Prior, on June 28, 1912, in Massilien, before the Prior, on August 10, 1912; in Bisunina, before Many, on March 9, 1915. This can also be read in the same sense in Emus Lega, De Iudiciis, vol. 4, no. 453, edition of 1901. Therefore, in the present case, the Court of Lugdunum, in the ACTA, vol. X, no. 4, 1-4-918.

[*Latin ed. p. 162*]

162 Acta Apostolicae Sedis - Commentarium Officiale. In matters concerning marriage, if force and fear can, by their nature, render a spouse capable of not freely consenting, then the spouse who did not experience such force can, in law, admit the other spouse. For example, Claudius Cortay. However, in our case, all difficulty vanishes when the woman adheres to the action initiated by the man and requests that the tribunal declare

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the marriage null on the same grounds of force and fear: "I desire that the nullity be pronounced by the ecclesiastical tribunal," etc., and therefore, in the process, the woman acts as the plaintiff, rather than the defendant.

9. The confession of spouses, to the extent that it contradicts the validity of the marriage, lacks all probative force (cf. cap. 5, De eo qui, tit. 13, lib. 3, X; Instruct. Austriae, n. 148 et 169; Wernz, n. 745, ed. 1911). At most, it can serve as an auxiliary means to confirm evidence obtained from other sources. However, the confession of a spouse in favor of the validity of the marriage has probative force, at least in cases based on force and fear, and in other cases in which the right to accuse the marriage is exclusively reserved to the spouses, as stated in the Instruction for Austria, art. 149: "The confession of a spouse which favors the validity of the marriage has probative force in those cases in which the right to accuse the marriage is exclusively reserved to the spouses (as, for example, in cases based on force and fear, art. 116). Otherwise, it only generates a presumption." Furthermore, a sworn confession in favor of the validity of the marriage of the spouse who is said to have experienced fear has special value, since fear is an impediment that consists of a hidden apprehension in the mind, of which no one can be a better witness, if he wishes to speak truthfully, than the person subject to the fear itself. Again, the value of this testimony is increased in favor of the validity of the marriage if the person declares that they are requesting a declaration of nullity. Such circumstances are present in the deposition of Ludovica Perroudon, who is said to have contracted the marriage out of fear, and who declares to the judge: "I desire that the nullity be pronounced by the ecclesiastical tribunal, in order to be able to marry in the Church with Mr. Satre, with whom I have been civilly united for three years." To the reader of her deposition, it is clear that she did not enter into the marriage under the influence of serious fear.

10. The following conclusions can be directly drawn from what she testified: 1) Ludovica's father reasonably urged her to marry Claudius Cortay, because both the young woman and the man were of the same social standing, and because the man, as the witnesses testify in unison, was born into an honorable family and was distinguished by his piety and good morals, and was related to Mr. Clovis Chavanis, a close friend of the Perroudon family, who strongly recommended the marriage. Ludovica herself says: "My father wanted Mr. Cortay as a son-in-law, to please Mr. Chavanis. Because also the two situations were compatible... It was Mr. Chavanis, the brother-in-law of Mr. Cortay, who made the proposal to my father... My father had great reason to..."

[*Latin ed. p. 163*]

S. Romana Rota 163: "She was born for Mr. Chavanis, and he esteemed her greatly. We loved him 'greatly at home...' For me, it was Mr. Chavanis who 'determined' that I should marry Mr. Cortay."

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11. 2) "The father refused to favor the union of his daughter with another young man, who was more pleasing to Ludovica, although he explicitly declared his love for this other young man. This other young man was twelve years older than the girl, and he caused vexations to Ludovica's parents, so that she clearly understood that marriage with him was not advisable."

"'(My father) even knew that my preferences were for another young man, but I had not clearly expressed them. There was indeed another young man who had come to the house for three years, and whom I would have liked. My mother insisted on it, but my father outright refused to let me marry him, because he was 12 years older than me. Then he caused some trouble for my parents, and I understood that I should not think about him anymore.'"

12. 3) "The father did not use beatings to influence his daughter. 'He never struck me.' Nor did he use threats, at least not those that could be considered serious: 'My father went to the notary of Cublize. They prepared a document together that I had to sign within eight days. The notary wrote to me, asking me to come and sign this document, telling me that my father was giving me freedom to marry whomever I wished, but if I did not take Cortay, he would not attend the wedding and would only give his consent by proxy, a document that I would have to sign, and which he had already signed. I know of no other threats. To please him, I then told him that I agreed to marry Cortay. He also told me that he would not come to see me if I did not marry Cortay.'"

"All of this, namely, the father's absence from the celebration of the marriage, his giving his consent in writing, his unwillingness to visit his daughter, are by no means serious evils for a girl who, at twenty years of age, was neither timid nor inexperienced."

13. 4) "The father and daughter conversed amicably with each other, and he governed her gently and lovingly, while she obeyed his commands not out of fear, but out of love, so that there was hardly any room for coercion: 'I was docile towards my father, because he loved me and I loved him. I do not remember ever disobeying him formally, except in trivial childish matters. I never obeyed out of fear. My father always 'guided me with gentleness.'"

14. 5) "If he somehow compelled his daughter, that compulsion did not exceed a slight degree, which is permissible for a father in urging his daughter's marriage (Sánchez, book 4, section 22, paragraph 5): 'At the time of my marriage, I truly thought that my marriage was good; it was only three years ago that I thought it might be null, because my father had somewhat forced me to marry..."

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis - Commentarium Officiale « marier.... Du-

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rante ocho días, fue particularmente angustioso; él se lamentaba, él refunfuñaba; la única testigo de esta coacción fue una vecina, la señorita Lépine; pero ella falleció." Estas declaraciones deben conciliarse con otras declaraciones del proceso, ya sea las que se citan anteriormente, o las que se citarán a continuación, donde se afirma que el padre indicó un matrimonio conveniente, y por lo tanto, ofrecía una base de esperanza de felicidad para la hija, a la cual, sin embargo, dejó plena libertad para casarse con quien quisiera; y que ella nunca obedeció al padre por temor. Por lo tanto, si hubo alguna coacción, debe considerarse mínima. 15. 6) Ludovica no fue oprimida por el miedo, sino que, como era costumbre de su padre, consintió en el matrimonio, lo cual no disminuye el valor del consentimiento, ya que no lo hace a regañadientes, sino porque lo hace para seguir la costumbre de otro (D'Annibale, vol. 1, n. 138, nota 16, ed. 3; Rota, Transilvania, ante el Prior, el 1 de mayo de 1912). Así, Ludovica: "Para complacerlo, le dije entonces que consentía en casarme con Cortay... Por lo tanto, consentí en casarme con Cortay, únicamente para no contrariar a mi padre." Esto es confirmado por la testigo Labrosse: "Me dijo que daba su consentimiento para complacer a su padre." 16. Es cierto que Ludovica declaró que no le agradaba la persona del hombre, y que había expresado repetidamente esta aversión a su padre; de hecho, cuando se le preguntó: "¿Cómo recibió la propuesta de casarse con Cortay?", respondió: "Muy mal. No me gustaba su carácter, que encontraba meloso y cerrado. No me sentía atraída por él. Habría aceptado otro partido conveniente en lugar de él, pero no cualquiera... Desde el principio, me resistí a mi padre. Muchas veces le dije que no quería a Cortay. Hablé de esta aversión a la señorita Lépine y a la señora Ratinier. Ambas han fallecido." Y declara que sintió cierta aversión incluso durante la celebración del matrimonio: "En el momento de dar mi consentimiento, no estaba contenta, actuaba a regañadientes y pensaba para mis adentros que, si mi padre no me presionara, no haría este matrimonio... Actué por coacción, para obedecer a mi padre." 17. Sin embargo, no afecta la validez del matrimonio el hecho de que se contraiga sin amor, ya que el amor no hace al matrimonio, sino el consentimiento (capítulo Cum locum, 14, De sponsalib.). También es fácil admitir que la joven no se habría casado con el hombre, si no fuera por la insistencia de su padre; se trata de una intención meramente interpretativa, que no existe en la naturaleza de las cosas y no cambia nada. Tampoco perjudica el valor del consentimiento el hecho de que se preste por un temor simplemente reverencial, ya que este temor es leve, como hemos visto en la exposición del derecho. Solo se vuelve grave si está calificado por golpes.

[*Latin ed. p. 165*]

The Roman Rota [considers] either grave threats, or insistent and importunate pleas, or, finally, a paternal indignation that will endure for a long time; However, none of these [elements] appear in the sworn testimony of

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the defendant.

18. Therefore, given that Ludovica presented objective truth in her testimony, not only in those matters that favored the marriage, but also in others that she considered to be against it, it would be concluded that the nullity of the marriage does not [necessarily] follow.

19. However, it must be admitted, as if they were proven facts, all those things that the woman testified against the marriage, unless they are confirmed by the testimonies of other witnesses, by presumptions founded on evidence, etc. This is especially to be said concerning a specific fact with its circumstances alleged, which suggests threats against herself: and it must be appropriately noted that, for the proof of threats, generic affirmations are not sufficient, but it is required by law that specific facts with their circumstances be alleged (Goscius, *De separ. thori*, book 1, chapter 8, n. 61 seq.; Rota, decree 334, n. 9, par. 12 and decree 172, par. 15; decree 490, n. 2 seq., par. 18, vol. 2 Rec.). We are speaking of a document signed by her before a notary. The witness, Reverend Vicar I. Vernier, speaks of this, referring to what Ludovica heard after the process instituted today in the diocesan court: " 'I was forced,' she told me, 'by my father who wanted Cortay. And one day, to decide me, he threatened me with making me sign a power of attorney, deposited with Mr. Perrin, notary in Cublize. This document was, she said, of a nature to disinherit her. She believes that it is still in the office of Mr. Carie, successor to Mr. Perrin. She says that with this document her father wanted to put pressure on her so that she would accept Cortay.... She did not tell me that Father Perroudon had made other threats to her.' Ludovica herself, in her testimony before the judge, already before this conversation with Reverend Father Vernier, declared that she had no knowledge of other threats made by her father: 'I do not know of any other threats.'

20. Furthermore, this document was found in the archives of Notary Carie, and a copy of it is presented in the records; the witness, answering the judge's questions, testified about the identity of this instrument with that of which Ludovica and Father Vernier speak: "Do you know of a document that had been prepared by the notary of Cublize and that Father Perroudon wanted his daughter to sign to oblige her to marry Cortay?" he replied: "I know of a document that was signed on the day we were married in the church, and which is attached to the procès-verbal. With this document, Father Perroudon gives nothing to his children." To the question: "Is this the document of which Louise Perroudon spoke in her testimony of which I have just asked you?"

[*Latin ed. p. 166*]

166 Acta Apostolicae Sedis - Official Commentary: "Shall I read it aloud?" he responded: "For me, I believe that it is this document." "Furthermore, Mr. Carie, the successor to Mr. Perrin, did not find anything

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of the sort in his records..." "I have always supposed, since I have known 'this document,' that it was the one of which she had spoken, and by which 'she told me that her father wanted to disinherit her.'"

21. Indeed, a) from the circumstances of the document's subscription, and b) from its very content, it is clear that there could have been no question of threats to compel marriage with the man Cortay. For a threat to compel marriage to take on the character of a threat, it must be something that the subject of the threat can avoid by accepting the marriage; thus, pressure is exerted on the will of the other party to consent, at least to avoid the imminent harm, which they would otherwise be unwilling to do. However, at the time when the document was signed, concerning the father Perroudon, by his son John, by his daughter Ludovica and her husband, there could have been no question of compelling marriage with the man Cortay, since it had already been celebrated: for the document was signed two days after the marriage had been civilly celebrated, as is read therein: "The aforementioned 'lady Cortay, still a minor, but emancipated by the fact of her marriage celebrated at the town hall of the Commune of Meaux on the sixteenth of this year," and on the very day of the celebration of the marriage before the Church, namely, April 18, 1898. Furthermore, the document says nothing about the disinheritance of the daughter of the lord Perroudon, but is a simple declaration by the parties that all the goods, after the death of the daughter, were faithfully transmitted to the children of the aforementioned father. Moreover, Ludovica herself, in her sworn deposition, stated: "I had what my mother had left me; my father did not add anything." Regarding the marriage of herself with the man Cortay, the document does not speak of anything except a matter that has already been done. Finally, it should be noted that, if the question of threats of exclusion of the daughter from the paternal inheritance were seriously raised, it would have to be considered under French civil law (art. 913 of the Civil Code) that a portion of the paternal or maternal inheritance is reserved for the children, and that they cannot therefore be deprived of it.

22. Therefore, the affirmations of the witnesses, John Marie Piasse and Joseph Depaix, who testify about these threats, are unfounded. The assertion of another witness, Joseph Chappuis, about threats of expulsion of the daughter from the paternal home, must be rejected, not only because he is the only witness, but also because it clearly contradicts the testimony of the defendant, who declares that she knows nothing about any other threats, except those of disinheritance.

23. Of the seven witnesses examined in the case, only one, namely, the Reverend Father Vernier, was induced, who said that he had learned everything he reported from Ludovica herself, and that at a very suspicious

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time, namely, after the cause...

[*Latin ed. p. 167*]

The Roman Rota was introduced in 167, before the Curia, and one month before he testified before the tribunal; therefore, the statements of this witness are irrelevant to the testimony of Ludovica, and add nothing to it. Six witnesses were presented by the plaintiff. Of these, one, Joseph Chappuis, only learned of the marriage after it had taken place; the other five, from the region of Meaux, knew the Perroudon family and Claud Cortay both before and after the marriage.

24. It must be noted first that these witnesses admitted that they did not know, based on their own knowledge, whether the father of Ludovica had used any force upon his daughter to urge her to marry Claud. This is perfectly consistent with Ludovica's assertion that she had experienced no coercion from her father.

25. Several witnesses, however, agree in asserting Ludovica's opposition to the man Cortay: namely, Jean-Marie Piasse, Joseph Depaix, Jean-Marie Chabert, and Octavia Labrosse. Nevertheless, it is not without controversy that such opposition was constant: for Ludovica was of a changeable disposition, fickle and unstable, as the witnesses relate. Jean-Marie Piasse said: "She was very flighty; violent at first, and then soon calmed." Octavia Labrosse: "The character of Louise Perroudon was flighty. In general, she was changeable, difficult to know." Joseph Depaix: "Louise was flighty." Joseph Chappuis: "She had a very fanciful character, sometimes docile, sometimes carried away, depending on the circumstances." It is therefore not surprising that, at some point, the fickle girl, moved by a certain impulse of the mind, may have had an aversion to the man who would become her future husband, and that it may be inferred from this that she seriously opposed the conjugal union with him. Furthermore, the hope that a certain affection might develop from the familiarity of married life could have led her to believe that her opposition would eventually give way to love. Ludovica herself said: "Mr. Chavanis said that friendship would come after the marriage. This is what explains, with the advantage of the situation, that Cortay persevered in wanting to marry me despite my coldness." Similarly, the advice of a friend of Mr. Chavanis may have influenced her. But above all, it must be remembered, as we have said, that the opposition of a bride can be reconciled with the validity of the matrimonial consent. At most, such aversion may be considered evidence of a coerced consent, and a support for the proof; however, coercion must be proven from elsewhere, and in our case, it is not proven.

26. It is barely necessary to discuss another ground for nullity, which the plaintiff raised in the initial stage of the proceedings, but about which his advocate is silent in the present instance, namely, that Ludovica had the intention of entering into marriage against the good of the sacrament, or

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the indissolubility of marriage. Such an intention, or condition, if it truly existed, would render the marriage null, as stated in chapter end, title De condit, apposit.

[*Latin ed. p. 168*]

168 Acta Apostolicae Sedis - Commentarium Officiale (X, lib. 4, tit. 5) statuit: « Si conditiones contra substantiam coniugii « inserentur, puta, si alter dicat alteri: " Donec inveniam aliam honore « vel facultatibus digniorem ", ... matrimonialis contractus, quantumcum « que sit favorabilis, caret effectu». 27. Testis dicit: « Louise mihi dixit, quindecim diis ante matrimonium: « " Mecum nubebo, conditione tamen, ut divorcium habeam. Non manebo in Meaux, sed ibo ad eos quos amo ". Testis solus inter testes verbum adhibet « conditionem » respectu consensus a mulierem in matrimonio praestandi. Excluditur, tamen, omnino intentio mulieris contra sacramenti bonum ex eiusdem depositione. Testatur enim: « Ita, « sciebam quod matrimonium religiosum indissolubile est. Si maritus meus « non esset postulatum divorcium, non ego postulassem. Contenta « fuissem separatione corporis et bonorum. Sed, post matrimonium, cum patre meo, paenitentiam sentiebam quod Ecclesia « non permittit divorcium ». Haec ergo sunt verba illius quae id facere intendit quod facit Ecclesia. Stante, vero, huiusmodi intentione, matrimonium validum est, etiamsi mulier virum post aliquid tempus deserere intendat; intentio enim deserendi non opponitur bono sacramenti, seu vinculo perpetuo, sed bono fidei, seu fidelitatis, et intentio violandi obligationem fidelitatis in matrimonio assumptam validitati matrimonii non obstat (Sánchez, lib. 2, disp. 29, n. 12; Rota, in Neo-Eboracen., coram Prior, die 8 febr. 1915). 28. Prosequitur Ludovica: « Post (matrimonium) bene cogitavi « ne cum marito meo manserim; sed non memini ut hoc in eo tempore « dixissem... sicut dicebam patri meo: " Pro te manebo; « sed cum abiesses, ego abeam ". Hic agitur, non de matrimonii dissolutione, sed de separatione a mensa et thoro, quae matrimonii indissolubiliati non nocet, sed ab ipsa Ecclesia, firmo manente coniugali vinculo, in certis adiunctis propter graves rationes approbari potest. Superest, ait testis: « In momento matrimonii mei, bene « putavi quod matrimonium meum bonum esset; tres annos post « cogitavi quod nullum esse potuisset, quia pater meus me « paene coactus est ut me maritarer. Desidero ut nullitas ejus « pronuntietur », etc. Sponsae, nimirum, declarationem nullitatis sui matrimonii optanti, nullum aliud menti occurrit caput accusationis praeter illud ex vi et metu proveniens: intentionem quamlibet contra vinculi perpetuitatem prorsus ignorat. 29. Cum depositione Ludovicae concilianda sunt ea quae alii testes referunt se ab ipsa audivisse respectu legis divortii: testatur Octavia Labrosse: « Eidem dixit etiam saepius: " Pater meus vult me « Cortay nubere; sed divorcium existit, et cum pater meus mortuus «

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fuerit, ego...»

[*Latin ed. p. 169*]

169 The Roman Rota "will make use of me." Similarly, Joseph Depaix. Therefore, it must be said that the intention of the woman to use the civil law of divorce was not seriously expressed, as indicated by her words cited above, where she says that it was sufficient for her to have obtained from the civil judge the separation of goods and persons, unless her husband instituted a divorce; or that her intention must be understood in this sense, that she wished to establish a complete and thorough and definitive separation by the force of the civil law of divorce, as has happened in other cases on several occasions.

30. Having considered all of this in law and in fact, invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the tribunal and having only God before our eyes, decide, declare, and definitively sentence, concerning the doubtful proposition: Does the nullity of the marriage exist in this case? Responding: No, or that the nullity of the marriage does not exist in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons and especially chapter 3 of the Council of Trent, session XXV, concerning Reforms, using the executive and coercive means that may be more effective and appropriate for the circumstances.

Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 5th of June, 1917.

John Prior, President.

Seraphinus Many.

Aloysius Sincero.

L- "From the Chancery, on the 14th of June, 1917.

Rev. T. Tani, Notary.

[*Latin ed. p. 170*]

Acts of the Apostolic See - Official Commentary 170

PONTIFICIAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF CANONICAL LAWS

Doubts proposed and resolved in the Plenary Session of February 17, 1918.

I. Whether the law of abstinence ceases to be observed in Gallia on feast days, while remaining obligatory throughout the entire Church, but having been suppressed in Gallia by concession of the Holy See, namely the feasts of the Circumcision, Epiphany, the Immaculate Conception of the Most Blessed Virgin Mary, and of the Blessed Apostles Peter and Paul.

Answer: Negatively.

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II. What are the feasts that have been suppressed, as mentioned in canons 339, § 1, and 466, § 1, in which Mass is to be celebrated for the people entrusted to the Bishops and Parishes?

Answer: Nothing in this matter has been changed by the Code of Canon Law from the discipline previously in force.

III. Whether the feasts enumerated in canon 1247, § 1, are, by their very nature and by law itself, no longer obligatory anywhere, even if in some nation, diocese, or place they had previously been obligatory by particular law or custom, even a custom of the place, or by a special concession of the Holy See.

Answer: Affirmative, so that on those days, the faithful are no longer bound by the double obligation of attending Mass and abstaining from servile works.

P. CARD. GASPARRI, President.

Aloisius Sincero, Secretary.

[*Latin ed. p. 171*]

Diarium Romanae Curiae 171 DIARIUM ROMANAE CURIAE S. CONGREGAZIONE DEI RITI

On Tuesday, March 5, 1918, in the Apostolic Palace at the Vatican, a Particular Congregation of the Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals and the Reverend Prelates Officials, members of the same, gave their vote on the following matters:

I) Concerning the validity of the Apostolic Processes compiled in the archdiocesan curia of Naples, for the Cause of Beatification and Canonization of the Venerable Servant of God, Ignatius Jennaco, a secular priest of Torre Annunziata in the same Archdiocese.

II) Concerning the validity of the Apostolic Processes compiled in the ecclesiastical curia of Naples, for the Cause of the Venerable Servant of God, Placido Baccher, a secular priest of the Third Order of Saint Dominic, rector of the ancient church of the Most Holy Name of Jesus, in the city of Naples.

III) Concerning the cult, in obedience to the Decrees of Urban VIII, never paid to the Venerable Servant of God, Luigia Borgiotti, Co-foundress of the Sisters of Jesus the Nazarene.

IV) And finally, concerning the cult, as above, never paid to the Venerable Servant of God, Lodovico Maria Calco, a secular, professed priest of the Order of Saint Dominic.

On Tuesday, March 12, 1918, in the Apostolic Palace at the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals and with the vote of the Reverend Prelates Officials and theological Consultors, members of the Sacred Congregation of the Rites, a New-Preparatory Congregation was held, to discuss two miracles which are asserted to have been wrought by God through the intercession of the Blessed Joan of Arc, called

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the Maid of Orleans, which miracles are proposed for the Canonization of the same Blessed.

[*Latin ed. p. 172*]

Acta Apostolicae Sedis - Official Commentary 172 SECRETARIAT OF STATE BY ORDER of the Secretariat of State, the Holy Father has deigned to appoint: March 8, 11, 12, 12, 17, 19, 20, 1918. The Most Reverend Cardinal Guglielmo van Rossum, Protector of the Institute of the Sisters of the Poor of St. Francis. The Reverend Father Ildefonso Schuster, Prior of the Monastery of St. Paul and General Procurator of the Cassinese Benedictine Congregation, Consultant to the Holy Congregation of Rites for the section of causes of Beatification and Canonization. The Most Reverend Cardinal Guglielmo van Rossum, Prefect of the Holy Congregation for the Propagation of the Faith. The Most Reverend Cardinal Oreste Giorgi, Major Penitentiary. Monsignor Giulio Tiberghien, Canon of the Patriarchal Major Basilica of the Vatican, Assistant Priest to the Papal Chapel. Monsignor Carame Nematallah, titular Archbishop of Mindo, and the Reverend Fathers Gondisaivo Galland of the Order of Preachers, Giuseppe Filograssi of the Society of Jesus, Ildebrando Höpfl of the Benedictines, Edoardo Hugon of the Order of Preachers, Bernardino Klumper of the Franciscan Order, Abbot Luigi El Khazen O.S.B., and Giovanni Hudecek of the Congregation of the Most Holy Redeemer, Consultants to the Holy Congregation "For the Oriental Church." The Most Reverend Cardinal Gaetano De Lai, Secretary of the Holy Consistorial Congregation, Protector of the Scottish College in Rome. The Most Reverend Cardinal Gaetano Bisleti, Prefect of the Holy Congregation for Seminaries and Universities, Protector of the American College of the United States, in Rome. The Reverend Fathers Venanzio da Lisle-en-Rigault, Minister General of the Capuchin Franciscan Order, and Pietro Vidal, of the Society of Jesus, Consultants to the Holy Congregation of Religious.

[*Latin ed. p. 173*]

Diarium Romanum, March 22nd » » Curia, 173, 1918. The Most Reverend Cardinal Guglielmo van Rossum, a member of the Holy Congregation "For the Eastern Church." The Most Reverend Cardinal Guglielmo van Rossum, President of the Pontifical Seminary of the Most Holy Apostles Peter and Paul for Foreign Missions. By Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: 7, March 13th, 1918. Monsignor Nicola Camera, of the archdiocese of Amalfi. Monsignor Nicola Emilio Massé, of the diocese of Troyes. Domestic Prelates of His Holiness: October 22nd, 1917. Monsignor Gesù Maria Marulanda, of the archdiocese of Medellin. February 18th, 1918. Monsignor Federico Carlo Hümmer, of the archdiocese of Bamberg. March 6th. Monsignor Salvatore Luzio, Canonist of the Sacred Penitentiary. March 10th. Monsignor Alfonso Hili,

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of the diocese of Gozo. March 13th. Monsignor Antonio F. Kaul, of the diocese of Harrisburg. March 15th. Monsignor Edmondo Fitz-Maurice, of the same archdiocese. Monsignor Venceslao Walsh, of the same archdiocese. March 16th. Monsignor Vincenzo Sesta, of the diocese of Trapani. March 18th. Monsignor Francesco Rea, of the diocese of Sant'Agata dei Goti. March 21st. Monsignor Federico Gauthier, Rector of the Church of the Most Holy Sacrament in Turin. March 22nd. Monsignor Lorenzo Schioppa, Auditor of the Apostolic Nunciature in Bavaria. March 23rd. Monsignor Ernesto Jouin, of the archdiocese of Paris. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Insignia of the Order of Saint Pius: March 16th, 1918. To Mr. Commissioner Ernesto Giuseppe Fraeys de Veubeke, of the diocese of Bruges.

[*Latin ed. p. 174*]

Acts of the Apostolic See - Official Commentary 174. The Order of the Plain Cross: March 12, 1918. To the Reverend Mr. Alessandro Maupetit, of the diocese of Limoges. The Order of the Plain Cross: March 14, 1918. To the Reverend Count Cavaliere Gustavo Di Carpegna, of Rome. The Grand Cross of the Order of Saint Gregory the Great, civil class: March 2, 1918. To the Reverend Mr. Lorenzo Kihlman, a member of the Finnish Delegation. To the Reverend Mr. Eugenio Wolff, a member of the same Delegation. The Order of Saint Gregory the Great, civil class: March 2, 1918. To the Reverend Mr. Tancredi Borenius, secretary of the Finnish Delegation. To the Reverend Cavaliere Giorgio Servois, of the diocese of Limoges. To the Reverend Cavaliere Gastone Lavergnolle, of the same diocese. The Knighthood of the Order of Saint Gregory the Great, civil class: February 1, 1918. To the Reverend Dr. Guglielmo Giuseppe Butler, of the archdiocese of Manila. March 25, 1918. To the Reverend Mr. Paolo Couillaud, of the diocese of Nantes. March 28, 1918. To the Reverend Mr. Nicola Camera, of the archdiocese of Amalfi. March 5, 1918. To the Reverend Mr. Ludovico Povel, of the diocese of Osnabrück. March 11, 1918. To the Reverend Mr. Paolo de Monvallier, of the same diocese. To the Reverend Mr. Pietro de Marcellus, of the same diocese. To the Reverend Mr. Adriano Delalande, of the same diocese. March 12, 1918. To the Reverend Mr. Giuseppe Filhoulaud, of the diocese of Limoges. March 13, 1918. To the Reverend Mr. Riccardo Reilly, of the diocese of Harrisburg. To the Reverend Mr. Davide E. Tracey, of the same diocese. The Knighthood of the Order of Saint Sylvester the Pope: March 12, 1918. To the Reverend Mr. Oreste Rinaldi, of Rome.

[*Latin ed. p. 175*]

From the Diary of the Roman Curia, 175.

THE DOMESTIC OFFICE OF HIS HOLINESS.

By means of letters from His Eminence, the Reverend Monsignor, the

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Holy Father deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

February 3, 1917.

Monsignor Romano Lasocki, of the archdiocese of Warsaw.

Monsignor Sigismondo Pacioskowki, of the same archdiocese.

Monsignor Eusebio Brseziewicz, of the same archdiocese.

Monsignor Francesco Kacuyuski, of the same archdiocese.

September 1.

Monsignor Maurilio Silvani.

March 6, 1918.

Monsignor Anacleto Loreti, of the diocese of Porto and S. Rufina.

March 7.

Monsignor Pacifico Severini, of the diocese of Nocera and Gualdo Tadino.

March 12.

Monsignor Francesco de Negri, of the archdiocese of Genoa.

March 20.

Monsignor Pietro Carlo Wytenburg, of the diocese of Harlem.

Honorary Chamberlain in purple vestments to His Holiness:

March 6, 11, 21, 1918.

Monsignor Guglielmo Rhiel, of the diocese of Fulda.

Monsignor Francesco Finck, of the archdiocese of Colonia.

Monsignor Pietro Ercole, of Rome.

Honorary Chamberlain outside the City to His Holiness:

February 3, 1917.

Monsignor Giovanni Tarnowski, of the archdiocese of Warsaw.

Monsignor Emilio Tymieniecki, of the same archdiocese.

Monsignor Giovanni Matulanis, of the same archdiocese.

The appointment of the Reverend Edward William Fowler, of the diocese of Omaha, in America, as an extraordinary Secret Chamberlain to His Holiness (Acta Apostolicae Sedis, no. 3 of 1918), was published by error and must be considered as not having taken place.

[*Latin ed. p. 176*]

176 Acta Apostolicae Sedis - Official Commentary, Necrology, January 23, 1918. Monsignor Nicola Luigi Callagher, Bishop of Gai veston (St.-U.).

Monsignor Giacomo Mac Golrick, Bishop of Duluth (Minnesota, United States).

March 4: Monsignor Lazzaro Mladenoff, titular Bishop of Satala, of the Bulgarian Greek Rite.

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March 5: His Eminence, Cardinal Domenico Serafini, Prefect of the Holy Congregation for the Propagation of the Faith.

March 13: The Reverend Father Giovanni Del Papa, Abbot of St. Paul Outside the Walls.

March 17: Monsignor Emilio Maria Minati, titular Archbishop of Stauropoli.

March 20: Monsignor Edoardo Ireneo Mignot, Archbishop of Albi.

March 30: Monsignor Cosimo Agostino, Bishop of Ariano di Puglia.

Monsignor Giuseppe Weber, titular Bishop of Dami.

[*Latin ed. p. 177*]

Year X - Vol. X, May 1, 1918, No. 5.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

APOSTOLIC LETTERS.

I. INDULGENCES ALREADY GRANTED TO SODALITIES DEVOTED TO THE PASSION OF CHRIST AND OTHER DEVOTIONS ARE CONFIRMED.

BENEDICT XV, POPE.

For the perpetual memory of this matter.

We have learned that, not only in Italy, but also in Europe and in the regions of Americae, many sodalities have been established, which propose to promote, out of love and gratitude, the devotion to the Passion of Christ, according to the teachings of Saint Paul concerning the Cross. By Apostolic Letters dated the tenth day of the month of September in the year MDCCCLV, our predecessor, Pope Pius IX, granted to the Superior General of the Congregation of the Passion of Our Lord Jesus Christ the faculty of establishing such sodalities throughout the world and of granting them the indulgences and privileges enjoyed by that Congregation. Among these sodalities, the first place is held by that which was established in the year MDCCCLVII at the Holy of Holies, in the most holy place on earth, where the archetype is preserved of the image of Our Redeemer and the Scala, stained with the divine purple of His Blood. This year, on the occasion of the fiftieth anniversary of the canonization of Saint Paul the Apostle, our beloved son, Sylvius, Superior General of the Congregation of the Passion, having earnestly implored us, we, to whom nothing is more dear than to

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foster the piety of the faithful towards the mystery of the Passion, have granted, by these ACTS, Vol. X, No. 5, the elevation of this pious society, established in this center of the Catholic world and already widely spread, to the rank of archsodality, for the honor thereof, or to the Primary grade.

[*Latin ed. p. 178*]

178 The Acts of the Apostolic See – We deem it fitting, as far as in us lies, to acknowledge this official commentary. Therefore, by our apostolic authority, by this present document, we erect and establish, in the manner of an arch-sodalitas, for the honor of the Passion of the Lord, the sodalitas of the Passion established in this esteemed city at the Holy of Holies. Consequently, considering the spiritual good of both the aforementioned primary sodalitas and of other sodalities of the Passion, whether already established throughout the world or to be established in the future, we confirm the indulgences granted to them by the Holy See; we add other indulgences, and we decree that the following shall be their terms. Namely, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant to all and each faithful of both sexes who shall hereafter join any sodalitas of the Passion, on the first day of their entrance, if, truly penitent and having confessed, they receive the Holy Sacrament of the Eucharist, a plenary indulgence; and to those inscribed, as well as to those to be inscribed in the future, in these sodalitas, at the hour of their death, we grant the apostolic blessing, according to the prescribed rite and formula, together with a plenary indulgence; which, if they are unable to receive the blessing itself, if, truly penitent and having confessed, they receive the Holy Sacrament of the Eucharist, or, if they are unable to do so, at least if, contrite, they have been able to invoke the name of Jesus with their mouth, or, if they have not been able to do so, if they have devoutly invoked it in their heart, and if they have accepted death with a submissive spirit as the penalty of sin, we likewise grant a plenary indulgence; finally, to the same members now and in the future, similarly enrolled in these sodalities, who, on each year, on the feast days of the Commemoration of the Passion of the Lord, of the Sorrowful Virgin, of St. Joseph, of St. Paul at the Cross, of the Patronage of St. Joseph, of the Discovery and Exaltation of the Holy Cross, of the Assumption of the Blessed Virgin Mary, of the Seven Sorrows of the Blessed Virgin, of St. Michael the Archangel, of the Presentation of the Virgin Mother of God, and also of the Most Holy Body of Christ, of Epiphany, of Pentecost, of the Precious Blood, and of the feast of the Apostles St. Peter and St. Paul, and finally, on the feast of All Saints, or for one to seven consecutive days immediately following, at their own choice, shall visit their own sodalitas church or any other public church or chapel, having been admitted to sacramental absolution and having partaken of the eucharistic repast, and there shall offer devout prayers to God for the concord of Christian princes, for the eradication of

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heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, we mercifully grant, in the Lord, a plenary indulgence for all their sins. Furthermore, we grant to the same members, now and for the time being, those existing in these sodalities, that they may, at their own discretion, for one day each year.

[*Latin ed. p. 179*]

The Acts of Pope Benedict XV, year 179, state that if, having confessed their sins and being refreshed by the Eucharistic repast, the members of the sodality visit their own chapel, or any other public church or oratory, and there, as we have said above, pray, they may fully obtain the indulgence; and if they participate twice a year, namely, on the feasts of Saint Paul's Conversion and of the Immaculate Virgin Mary, in the proper ceremonies for the bestowal of the Apostolic Benediction, and perform the other prescribed acts of piety, they may also lawfully gain the plenary indulgence. We grant to these members that, observing the prescribed conditions, on the feast of Saint Paul's Conversion they may gain the plenary indulgence as often as they are able, as at the Porziuncola; and also that, observing the same conditions, on the established days of Lent and other days within the year described in the Roman Missal for gaining indulgences in the City, they may gain similar indulgences, having performed the prescribed acts of piety. Finally, to these same individuals, if, on any day of the month, they approach the Holy Mass and offer prayers to God according to the mind of the Roman Pontiff, we mercifully grant and remit the plenary indulgence for all their sins, in the Lord. Furthermore, to these members, both now and in the future, who are enrolled in these sodalities, if, with at least a contrite heart, except for those things already mentioned, on all the feasts of the Blessed Virgin Mary listed in the Roman Calendar, and on the feasts of Saint John the Baptist, Saint John the Evangelist, Saint Luke, and Saint Mary Magdalene, they offer prayers, as we have said above, in their own chapel or any other public church or oratory; and if they attend the monthly meetings of the sodality, and the religious functions and sacred sermons held on that occasion; and if they devote themselves to the contemplation of the mysteries of the Passion of Our Lord for one hour, they shall be remitted from their penance, in the form customary in the Church, seven years and seven quarantines; finally, if, whether publicly or privately, they perform the prescribed acts of divine worship and piety, or any work of spiritual or corporal mercy towards their neighbor, and if they attend gatherings, whether public or private, to commemorate the Passion of Our Lord Jesus Christ, or to promote the reform of morals, they shall be remitted forty days from their penance, as above. To those members who have completed the aforementioned meditation at least ten times during the month, and who, on one day of that month, chosen at their own discretion, attend the Holy Mass, we grant and remit the plenary indulgence for all their sins, as above.

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Finally, considering the convenience of these members, we benignly grant that they may also gain all the aforementioned indulgences even if they have omitted the visit to the public church, and in place of the visit, they shall recite the Our Father and the Angelic Salutation five times.

[*Latin ed. p. 180*]

Acts of the Apostolic See - Official Commentary 180, that they have recited the prayers of the Rosary and the Trisagion piously. Furthermore, we wish that these members, if they so desire, may, with the exception of the plenary indulgence granted at the hour of death, expiate all faults and penalties, both plenary and partial, through the works of their lives. Notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of indulgences, and other Constitutions and Apostolic Ordinances, and all other contrary things whatsoever. We decree and command that these present Letters shall always be firm, valid, and efficacious, and shall have and obtain their full effect, and that they shall fully suffice for the aforementioned association, now and in the future, in the archsodalitas erected by Us, and that they shall be duly judged and determined, and that they shall be null and void if, concerning these matters, anything should happen to be attempted in any way, by any authority, knowingly or unknowingly. We wish that, even with copies or printed examples of these present Letters, signed by the hand of a public notary and sealed with the seal of a person constituted in ecclesiastical dignity, the same faith be given to them as would be given to the present Letters themselves, if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 26th day of the month of February, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State. II. THE APOSTOLIC PREFECTURE OF BORNE IN HOLLAND IS ERECTED INTO AN APOSTOLIC VICARIATE. BENEDICT XV. For the perpetual memory of the matter. — May these things, which are for the good of the Catholic name and the eternal salvation of the faithful, proceed well, prosperously, and happily, as the supreme office of the Apostolate, with which We are divinely charged on earth, reminds Us. Indeed, since the Apostolic Prefecture of Borne in Holland, restored in the year 1905, when, separated from the territory of the Apostolic Vicariate of Passau, it was established and entrusted to the Fathers of the Order of Friars Minor of the Province of Holland, has, with God's help, achieved such growth in the propagation of the Catholic religion, and has produced such abundant fruits for the salvation of souls, that it has seemed opportune to consider the plan of erecting the same Prefecture into an Apostolic Vicariate; We, having carefully considered all the circumstances of the matter with Our

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Most Reverend and Venerable Brothers, Cardinals...

[*Latin ed. p. 181*]

181 Acts of Pope Benedict XV, addressed to the superiors of the Propagation of the Faith, concerning the following matters, we have deemed it necessary to decide. Therefore, by our own authority and with full knowledge and mature deliberation, and by the plenitude of our Apostolic power, we establish the Apostolic Prefecture of Borne in Holland as an Apostolic Vicariate, also to be called Borne in Holland. We decree that these present letters shall always be firm, valid, and efficacious, and shall have their full and complete effect, and shall fully suffice for those to whom they pertain, in all things and through all things; and that the aforementioned matters shall be judged and defined accordingly, and shall be declared void and invalid if, in any way, any attempt is made to alter them, knowingly or unknowingly, by any authority whatsoever. Notwithstanding any contrary provisions. XIII Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the fourth day of March, 1918, in the fourth year of our pontificate. P. CARD. GASPARRI, SECRETARY OF STATE. III INDULGENCES ARE GRANTED TO THE SODALITY AND TO OUR HOLY FAITHFUL FOR THE PURPOSE OF OBTAINING THE PLENARY INDULGENCE, TO THE HOLY AND VENERABLE [Sodalitas] OF OUR LADY OF GOOD DEATH. CERTAIN PRAYERS ARE GRANTED TO THOSE WHO RECITE THEM. BENEDICT XV. For the perpetual memory of this matter. — Among the sodalities that promote the cult of the Virgin Mary and the spiritual welfare of the faithful, the Sodalitas of Our Lady of Good Death, founded not long ago by the priests of Santa Maria (de Tinchebray), holds a most honorable place, if one considers the purpose for which it was founded and how widely it has been spread throughout the world to this day, with abundant fruit. For those who are admitted to it, it is proposed by the statutes and laws of the society that they venerate the Sorrowful Virgin and care for her, and thus represent to God the merits of her prayers and sufferings, and they trust that they will obtain, through her, the grace of perseverance in the Christian faith and in good works, and especially the grace of a holy death in Christ, through which eternal blessedness is attained, for themselves or for others. And the Virgin...

[*Latin ed. p. 182*]

182 Acta Apostolicae Sedis - Official Commentary. A patroness of a good death is chosen and invoked, which perfectly corresponds to Catholic doctrine and the pious sentiment of the Church, and which inspires hope when rightly and devoutly invoked. Indeed, the Doctors of the Church commonly teach that the Blessed Virgin Mary, who, during the life of Jesus Christ, seemed to be absent from public view, was present, not without divine providence, when He approached death and was affixed

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to the Cross. For, just as she suffered with her Son, enduring His pains and almost dying herself, so did she, for the salvation of mankind, relinquish her maternal rights over Him, and, as far as it concerned her, offered Him up to God, so that it may be rightly said that she, together with Christ, redeemed the human race. And since we receive, through every means, the benefits of this treasure of Redemption, it is clear that the very sorrows of that most sorrowful Virgin are, as it were, offered as a ministry to us; therefore, it is to be expected that a holy death should be awaited from her, since this principal work of Redemption is effectively and perpetually accomplished in each and every person. It is also clear that the Sorrowful Virgin, being constituted by Jesus Christ as the Mother of all mankind, has received as her duty those who are left to her as a testament of infinite charity, and that she fulfills the office of protecting their spiritual lives with maternal kindness, so that she cannot fail to diligently care for her most beloved adopted children at that very moment when their salvation and sanctity are to be confirmed for all eternity. Therefore, the Church itself, in many liturgical prayers, invokes the Blessed Virgin Mary, that she may be merciful to those who are struggling with imminent death; and it is a firm belief among the faithful, proven by long experience, that those who invoke her as their patroness will not perish eternally. Therefore, it is not surprising that already five hundred thousand faithful, of both sexes and of every order of citizens, have been enrolled in our Sodality of Our Lady of the Good Death, since it seems so appropriate and timely; it is to be lamented that, today, many of the children of the Church, whom we must pass over, have abandoned the faith or completely neglect Christian duties, so that they are so involved in worldly affairs and empty pleasures that they do not even take concern in the salutary thought of death, or strive to turn their mind and soul away from it. Therefore, this Sodality, which may rightly be called an apostolate of the good death, has not only been strongly approved by several Cardinals of the Holy Roman Church and Bishops of the Catholic world, but also our blessed predecessor, Pope Pius X, was singularly moved by benevolence and abundantly increased the supply of graces; nor do we ourselves feel less than did that same Pope, and we are ready with a generous spirit to contribute to the provident work of the same. Of our will, shortly after the Pope -

[*Latin ed. p. 183*]

The acts of Pope Benedict XV, year 183[tificatum], by the merciful counsel of God, we have received, and in letters addressed to our beloved son, the General Moderator of the Congregation of Priests of the Holy Mary, we have clearly expressed a testimony, and another equally clear one we intend to publish soon, led by good and certain hope, that the same priests of the Holy Mary, to whom the blessed death of the Apostles has been entrusted, will diligently perform their office, as if it were a special and

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proper one, with the help of bishops, officials, and those zealous ones they call "promoters," so that they may spread the Society more widely throughout the entire world and obtain, through Augusta, their patroness, the precious grace of a holy death for as many faithful as possible. Therefore, since our beloved son, Henry Rondet, the General Procurator of the same Congregation, has humbly made supplications to us, so that, in addition to the indulgences granted by our predecessor to our Society of the Holy Mary of the Good Death, we might, out of Apostolic benevolence, grant some others, we have considered it fitting to accede to such pious requests, moved by our devotion to the Sorrowful Virgin and our zeal for such a fruitful work. And so, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, having heard our beloved son, the Cardinal Penitentiary Major, we grant, with plenary indulgence, to all and each of the faithful, whether already enrolled in our Society of the Holy Mary of the Good Death or to be enrolled in the future, who, having duly confessed and received Holy Communion, on the feast days of our Lady of the Dying, that is, on the eleventh day of May, on the feast of the Apparition of Saint Michael the Archangel, that is, on the eighth day of the same month, on the feast of the Dedication of Saint Michael the Archangel, that is, on the twenty-ninth day of September, from noon on the preceding day until midnight of those same feast days, if they visit any church or public oratory, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and who, on the last of the aforementioned days, have completed the work prescribed above, we grant them a plenary remission of all their sins in the Lord. If, however, these members are unable to confess and receive the heavenly food, we grant them, in place of the plenary indulgence, an indulgence of seven years and as many quarantines, provided that, as above, they visit any temple or public oratory during those days and offer prayers, as pleasing to the mind of the Supreme Pontiff, and we mercifully grant it to them in the Lord. Furthermore, by the same authority, we grant to all and each of the faithful, even those not enrolled in the Society, that on each of the seven continuous vigils, on both feast days of the Sorrowful Virgin immediately preceding them, if they have confessed and received Holy Communion, they recite seven times the Our Father, the Hail Mary, and the Glory Be, they shall receive a plenary indulgence; and whenever they complete the novena of pious exercises, in which, to explain the holy death of

[*Latin ed. p. 184*]

184 Acta Apostolicae Sedis - Official Commentary: granting, it is recited daily the prayer "Recordare, Virgo," according to the model presented in these Letters, and to be kept in the archive of the Briefs of the Apostolic See, provided that they have duly performed their penance and have refreshed

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themselves with heavenly food, namely, Communion; furthermore, under this very last condition, once a month, if they recite daily the prayer "Ave, Mater dolorosa," also attached to these Letters and to be kept in the aforementioned archive, and on the day that they have completed the prescribed work, We grant and bestow upon them a plenary indulgence for their sins and their remission. In addition, to all and each of the faithful, even if they are not members of a sodality, on each of the aforementioned Saturdays, if they recite seven times the prayers "Pater, Ave, Gloria," for seven years and forty days; for each of the days of the aforementioned novena, three hundred days; and as many times as they recite the aforementioned prayer, three hundred days are remitted from the number of their penances, according to the usual practice of the Church. Furthermore, We decree that all these members of the sodality and all the Christian faithful may, through the works they perform, expiate the temporal punishments due to sins for which they have obtained indulgences, whether plenary or partial, which We have granted. We declare these present Letters to be firm, valid, and efficacious, always to remain and to have their full effect and to fully benefit those to whom they apply or may apply, and that they should be defined and judged in this manner, and that they shall be null and void if, concerning these matters, anything should be attempted by anyone, knowingly or unknowingly, with any authority to the contrary. These present documents are perpetually valid. Notwithstanding any contrary provisions. Given at Rome, near Saint Peter, under the Fisherman's ring, on the twentieth day of the month of March, the feast of the Seven Sorrows of the Blessed Virgin Mary, in the year 1918, in the fourth year of Our pontificate. P. I. Prayers from the novena, Virgin, to the Sorrowful [Mother], CARD. GASPARRI, from the Secretariate of State, to be recited for the imitation of a holy death. "Recordare, Virgo Mater Dei, dum steteris in conspectu Domini, ut loquaris pro nobis bona, et ut avertat indignationem suam nobis." (Remember, O Virgin Mother of God, when you stand before the Lord, that you may speak well for us, and that you may turn away His indignation from us.) 1. Holy Mother, do this, firmly fix the wounds of the Crucifix upon my heart. Make it so that I may carry the death of Christ, and be a companion in His Passion, and may I remember the wounds.

[*Latin ed. p. 185*]

Acts of Pope Benedict XV, 3. Lest I be consumed by the flames, Through you, Virgin, may I be defended On the day of judgment. 4. Christ, that I may depart hence, Grant that through your Mother I may come To the palm of victory. 5. When my body dies, May my soul be granted the glory of Paradise. Amen. f. Pray for us, most sorrowful Virgin. RJ. Who stood near the Cross of Jesus. Let us pray. May the Lord Jesus Christ intervene for us, we beseech you, now and at the hour of our death, before your mercy, through the Blessed Virgin Mary, your Mother, whose most holy

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soul was pierced by the sword during the pain of your Passion. Through you, Jesus Christ, Savior of the world, who live and reign with the Father and the Holy Spirit, world without end. RJ. Amen. 3 Hail Mary. Our Lady of the Good Death, pray for us. Saint Joseph, pray for us. II. A rhythm in honor of Our Lady of the Good Death. 1. Hail, Mother of sorrows, and first rose of the martyrs, Hear the voice of one who pleads: Grant that, in the agony of death, Through your faithful protection, I may enjoy the peace of the just. 5. Through the sorrow that afflicted you, When the Sweet Babe progressed, Crushed by the weight of the wood: Grant that, in the agony of death, Through your faithful protection, I may enjoy the peace of the just. 6. Through the sorrow, O Mary, Prophesied to you by the aged prophet, As if by a sword: Grant that, in the agony of death, etc. 7. Through the sorrow deeply fixed in your heart, While you beheld the Crucifix, You, a sacred victim: Grant that, in the agony of death, etc. 8. Through the sorrow you bore, When you fled to Egypt, To save the Child: Grant that, in the agony of death, etc. 9. Through the sorrow, when you received the Body of Christ, Taken down from the Cross: Grant that, in the agony of death, etc. 10. Through the sorrow, when weeping, Seeking Jesus among the known, You recalled the lost one: Grant that, in the agony of death, etc. Grant that, in the agony of death, etc. 11. Through the sorrow, while you lamented, Pious Mother, and left Your Son in the tomb: Grant that, in the agony of death, etc. 12. Christ, that I may depart hence, Grant that through your Mother I may come To the palm of victory. Amen.

[*Latin ed. p. 186*]

Acta Apostolicae Sedis - Official Commentary 186 IV. THE SACRED BUILDING, ENJOYING THE PRIVILEGES OF A BASILICA DEDICATED TO THE HOLY HEART OF JESUS, LOCATED IN THE CITY OF ROTHOMAGENSI, TITULATED AND HONORED. BENEDICT PP. XV. For the perpetual memory of the matter. — The devotion and honor, with which the faithful of the whole world have, for many years, earnestly venerated the Most Holy Heart of Jesus, foster a common hope and promote the association of men, happily receiving the benefits of a better life. Indeed, this most excellent religion has not only been widely spread to homes, workshops, and fields, in order to obtain divine protection, but has also embraced entire nations, which rightly glory in having devoted themselves to the Sacred Heart of Jesus. Therefore, we do not hesitate to elevate the dignity of temples erected in honor of this center of love, through which our Redeemer Christ loved mankind, and especially those erected from the contributions of the faithful, as a testament to the faith and charity of many, to a higher degree and to enrich them with special privileges. Therefore, we have gladly received the news that a sacred building of this kind has been erected in the city of Rothomagensi, constructed with the offerings of the citizens in the years

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1890 and following, adorned with excellent works of art, and dedicated and consecrated to the Most Holy Heart of Jesus. Furthermore, to this, which, due to its fame and its connection to the principal Sanctuary of Parisiensi, commonly called "Le Montmartre de Normandie," is frequently visited by a large number of faithful, not only from the same city and archdiocese, but also from neighboring dioceses, especially Ebroicensi, who come there to earnestly implore heavenly aid. In addition, a very important Sodality, that is, a confraternity called the "Sodalitas a SSmo Corde Iesu," canonically established there, and affiliated with the Primary Archisodality of the same name in Parisiensi and the Pia Unione Apostolatus Orationis, flourishes, enriched with privileges and spiritual graces, and growing in the number of its members and the usefulness of its works. Therefore, moved by these conspicuous praises of the temple, we have graciously received the petitions, which were recently presented to us by the current parish priest, as well as by the moderator of these sodalities, and which were eloquently commended by the Archbishop of Rothomagensi, and, after deliberation with the Most Reverend Fathers Cardinals of the Sacred Congregation for the Propagation of the Faith, we extend our benevolence to the clergy and people of the entire Archdiocese, and especially to the citizens of Rothomagensi, who have made promises. Therefore, by these letters, with apostolic authority, 1

[*Latin ed. p. 187*]

Acta Benedicti PP. XV, 187. Our aforementioned temple, which exists in honor of the Most Sacred Heart of Jesus in the city of Rouen, we elevate to the title of a minor basilica, perpetually and in every respect, and we grant it all and each of the rights, privileges, prerogatives, honors, and indulgences which rightfully belong to the minor basilicas of our beloved city. We decree that these present letters shall always be firm, valid, and efficacious, and shall fully and completely produce and obtain their effects, and shall fully suffice for those to whom they pertain in all things and through all things; and that in the aforementioned matters, judgment and definition shall be made, and that they shall be declared void and null if, concerning these matters, anything whatsoever should happen to be attempted, whether knowingly or unknowingly, by any authority. Notwithstanding any contrary provisions. XXIII. Given at Rome, near Saint Peter's, under the Fisherman's ring, on the day of March, in the year 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, from the Secretariat of State. TO THE SISTERS OF BURDEAUX, A PLENARY INDULGENCE IS GRANTED FOR A CERTAIN PIOUS EXERCISE IN HONOR OF THE HOLY FAMILY. BENEDICT XV. For the perpetual memory of this matter. — Graciously considering the prayers offered to Us by our beloved daughter, the General Superioress of the Congregation of the Holy Family, whose principal house is located in Burdeaux, and having heard our beloved Cardinal Penitentiary

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Major, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant to all and each of the sisters of the Congregation of the Holy Family who are now and in the future shall have duly completed a pious exercise in honor of the Holy Family, approved by ecclesiastical authority, throughout the entire month, and who, either within said month or within the following eight days, shall visit the public church of their respective house, if it exists, or the internal chapel where they are accustomed to be present for the Holy Sacrifice, having received the sacrament of Confession and having partaken of the heavenly banquet, and who shall also offer pious prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, and who on that day shall perform the prescribed acts of piety, to them We grant a plenary indulgence.

[*Latin ed. p. 188*]

Acts of the Apostolic See - Official Commentary 188: We grant and bestow, with merciful kindness in the Lord, the plenary indulgence and remission of all their sins, which they may also apply to the souls of the faithful detained in Purgatory, as a form of suffrage. Contrary to anything to the contrary notwithstanding. Valid for the present and for all future times. We decree that to these present Letters, or copies thereof, even printed ones, signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity or office, the very same faith shall be given, as would be given to the present documents if they were exhibited or shown. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the eleventh day of April, in the year 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State. LETTER TO THE REVEREND PATRICK MURPHY, PRESIDENT, OF THE ALFONSIAN CONGREGATION OF THE MOST HOLY FAMILY, FOUNDED IN THE PARISH OF GENERA, LIMERICK. Beloved sons, greetings and the apostolic blessing. Know that it has been very pleasing to Us that the Reverend Father Patrick Leo, a priest from that Congregation of which you are the president, and also the rector of the Alfonsian House in the city of Limerick, has informed Us: that there is a Sodality there called the Most Holy Family, flourishing in number and piety, especially in the worship of the Most Holy Eucharist, whose fiftieth anniversary was approaching. We acknowledge that in this matter you have shown excellent care for the glory of God and the salvation of souls; and We are not surprised that, as in the best and most fertile soil, such joyful fruits have been produced in Ireland, whose most noble praise is that of steadfastly maintaining the Catholic faith. We indeed hold this association in the highest regard, and We desire very much that many others like it exist, not only in Ireland but everywhere, since nothing seems more conducive to fostering a Christian spirit in families. Therefore, as a tes-

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timony of Our charity towards the Limerick Sodality, and since the sacred solemnities are to be held on the eighth day, We grant that the preachers may daily administer the Papal Blessing at the evening prayers. For among those who gave the name to the association from its very beginning, there were not a few, to God.

[*Latin ed. p. 189*]

From the acts of Pope Benedict XV, year 189, which still exist, we grant to these beloved, veteran members a remission of seven years, and also forty days, as many times as, with a contrite heart, they shall recite the formula: "Jesus, Mary, and Joseph, help me." And as a witness to the benefits of heavenly grace and of Our paternal benevolence, We impart to you, beloved son, and deservedly to the rector of the Alfonsian Institute and his assistants, and to all the members of the Holy Family and their relatives, Our apostolic blessing, most lovingly in the Lord. Given in Rome, at St. Peter's, on the twenty-first day of the month of April, in the fourth year of Our pontificate. BENEDICT P. P. XV MCMXVIII.

[*Latin ed. p. 190*]

Acts 190 of the Apostolic See - Official Commentary

ACTS OF THE HOLY CONGREGATIONS

SACRED CONSISTORY

DECREE CONCERNING CERTAIN FACULTIES OF ORDINARIES

I. On the coming feast of Pentecost, with the new Code of Canon Law taking effect, all local Ordinaries will be endowed with numerous faculties by law, which previously they were accustomed to request from the Apostolic See and obtain through common indults. It suffices to consult canon 349 in conjunction with 239 regarding various personal privileges by which Bishops are strengthened, canon 386 regarding the election of examiners and synodal judges, 463 and 914 regarding the papal blessing at the point of death and on major feast days, 534 and 1532 regarding alienations, 806 regarding the repetition of the Sacrament, 822 regarding the celebration of Mass outside the church and oratory, 1006 regarding ordinations outside of the proper times, 1043 and 1045 regarding dispensations from matrimonial impediments, 1245 regarding dispensations from abstinence and fasting, 1304 regarding the blessing of sacred vessels; and mention is made of many others, so that it may be immediately apparent that, by virtue of the Code, Bishops possess such power that, whenever the needs of the Church and the salvation of souls require it, they can temper the strictness of the

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common law and grant just dispensations, appropriately and opportunely. Therefore, the indults which, until now, were granted to Ordinaries upon their request for this purpose, and which are contained in briefs valid for 25 years, or in printed forms valid for a decade, five years, or even three years, appear to be superfluous; indeed, they even introduce a considerable degree of confusion, since they differ in several respects from the new provisions of Canon Law. For these reasons, and also in order to eliminate distinctions in canonical discipline and to promote greater unity in the Church, Our Most Holy Father, Pope Benedict XV, after due deliberation with a special group of Fathers,

[*Latin ed. p. 191*]

The Most Holy Congregation Consistorial, composed of 191 Cardinals, by this decree of the Most Holy Congregation Consistorial, has decided and decreed the following:

1) With the exception of those places subject to the Holy Congregation for the Propagation of the Faith, for which appropriate decisions will be made in due time, elsewhere, that is, in all dioceses subject to common law, all faculties granted to Ordinaries for external affairs, and those contained in the Formulas and Breves mentioned above, shall cease to be valid from May 18th of this year, and shall no longer be in use;

2) However, in more remote places and in those to which, either due to the present war or for any other reason, knowledge of this decree may not reach in a timely manner, the Most Holy Lord ratifies any dispensations and ordinations that Ordinaries may have granted under the authority of the old faculties; nevertheless, He firmly urges that, as soon as they receive notice, if the circumstances are still the same, they conform to this decree;

3) The faculties granted by the Most Holy Penitentiary, and those granted due to the present war, or obtained by Ordinaries for particular reasons, are not included under the provisions of this decree, and are therefore not abolished;

4) Regarding matrimonial dispensations, although Ordinaries can, according to canons 1043-1045, grant appropriate dispensations in cases of "urgent danger of death" and "whenever an impediment is discovered when all things are 'prepared for marriage, and marriage cannot be 'postponed without a probable danger of a serious evil," nevertheless, considering the circumstances of times and places, the Most Holy Lord has further decreed the following:

a) That Ordinaries in the United States, in the Philippine Islands, in the Orient, in Mahdia outside the shores of the Mediterranean Sea, and in Reu, may, for a period of five years from May 18th of this year, grant dispensations from impediments of a lesser degree as listed in canon 1042, observing the rules established in that section of the Code; also, that marriages

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nullified due to some impediment of a lesser degree may be validated, according to the rules set forth in chapter XI, title VII, book III of the Code on the validation of marriage, with the party aware of the impediment being informed of the effect of the validation;

b) That the same Ordinaries may also, for a period of five years, grant dispensations from impediments of a greater degree, whether public or hidden, even multiple impediments, except for impediments arising from the sacred order of the priesthood and from consummated affinity in the direct line, as well as from the impediment of mixed religion, if a petition for a dispensation has been sent to the Holy See and an urgent need for a dispensation arises, pending the appeal. However, granting

[*Latin ed. p. 192*]

Acts of the Apostolic See - Official Commentary 192: In these cases, the Ordinary must always keep in mind the established rules contained in the Code, book IN, title VII, chapters 2, 3, and 4, regarding impediments in general and in particular, as well as the clauses commonly added in marriages with Hebrews and Mohammedans; and he must not grant a dispensation unless he has ensured full observance of all of them, according to the prescriptions of the sacred canons, and he must consult with the Holy Congregation for the Discipline of the Sacraments regarding the payment of taxes; c) That the Ordinaries of France, the three kingdoms of Great Britain, Germany, Austria, and Poland, during wartime, whenever access to the Holy See is difficult or impossible for at least one month, may enjoy the same faculties as those mentioned above in letters a and b. These present regulations do not in any way impede the contrary mandates of the Holy See. Given in Rome, from the Secretariat of the Holy Consistorial Congregation, on April 25, 1918. § C. CARD. DE LAI, Bishop of Sabina, Secretary. L. © S. f V. Sardi, Archbishop of Caesarea, Assistant.

II. DECREE CONCERNING THE DIVISION AND AGGREGATION OF MARIANOPOLIS AND SAINT HYACINTH: The Archbishop of Marianopolis and the Bishop of Saint Hyacinth, through common letters, requested that the faithful of the rural areas, including those numbered from three hundred and forty-four to five hundred and sixty-three in the parish of Saint Matthew, commonly known as Beloeil, and those numbered from two hundred and thirty-one to three hundred and sixty-eight in the parish of Saint Mark, be separated from the aforementioned parishes and from the diocese of Saint Hyacinth, and be aggregated to the diocese of Marianopolis to form a new parish with the neighboring faithful. After the Apostolic Delegate had expressed his opinion on this matter, and having obtained a favorable response, the aforementioned request was subjected to careful examination by the Holy Consistorial Congregation. And since it was seen that it would be beneficial for the good of souls to divide this

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part of the territory of the diocese of Saint Hyacinth, and that...

[*Latin ed. p. 193*]

The Holy Congregation Consistorial has added 193 to the diocese of Mariana, so that a new parish may be formed in that part of the territory; His Holiness Pope Benedict XV, after hearing the prayers, has decreed that this be done. Therefore, by the present Consistorial decree, His Holiness separates the aforementioned part of the territory from the diocese of Saint Hyacinth and joins it to the diocese of Mariana. The execution of the foregoing is entrusted to the Reverend Secretary of the Apostolic Delegation, after having heard the Cathedral Chapters of both dioceses, and it is stipulated that, from the part of the people, nothing serious is to be feared; and to the same Secretary are granted the necessary and appropriate powers, even of delegating, to any person adorned with an ecclesiastical dignity, in order to effect what is intended, with the condition, however, that he must first transmit to this Holy Congregation Consistorial an authentic copy of the completed execution. Notwithstanding any objections, even those worthy of special mention. Given in Rome, from the Secretariat of the Holy Congregation Consistorial, on the 8th of April, 1918. 83 C. CARD. DE LAI, Archbishop of Sabina, Secretary. Lu © S. f V. Sardi, Archbishop of Caesarea, Assessor. III PROVISIONS FOR CHURCHES. By decrees of the Holy Congregation Consistorial, His Holiness Pope Benedict XV has provided for the following churches: March 14, 1918. — To the Cathedral Church of Conversano, the Reverend Father Dominic Lancellotti, formerly Bishop of Troia, has been appointed. March 18. — To the Titular Episcopal Church of Capitolias, the Reverend Father Pacificus ab Uden, in the world John Bos, of the Order of the Friars Minor Capuchin, Apostolic Vicar of Borne in Holland, has been appointed. April 4. — To the Titular Episcopal Church of Archelaïs, the Reverend Father Joseph Burgain, from the Seminary of Paris for foreign missions, Apostolic Vicar of Kien-tchang in the Empire of China, has been appointed. April 6. — To the Cathedral Church of Caratinga, the Reverend Father Emmanuel Nogueira Duarte, a priest of the Archdiocese of Mariana, has been appointed. To the Abbey of Saint Paul without the Walls, the Reverend Father Ildephonsus Schuster, O.S.B., from the Cassinese Congregation, has been appointed. ACTA, vol. X, n. 5. — 1-5-1918. 13

[*Latin ed. p. 194*]

Acta Apostolicae Sedis - Official Commentary 194. SACRED CONGREGATION FOR THE COUNCIL OF QUEBEC. REGARDING CHORAL OFFICES, July 14, 1917. By Apostolic Letters, whose beginning is marked at the height of the pontificate, given on the first of October in the year 1674, the diocese of Quebec was established in northern America, and at the same time, it was decreed that a Chapter be instituted in the new cathe-

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dral church of Quebec, dedicated to the Blessed Virgin and Saint Lewis. This Chapter was happily completed ten years later by the first Bishop of Quebec. However, the cathedral Chapter, not even a century having passed since its establishment, had been extinguished due to political changes, and for some time afterward, for various reasons, it was unable to be restored. Therefore, when the present Cardinal, the Archbishop of Quebec, considered it opportune to choose men to assist him in the administration of his vast archdiocese, and also to offer praise to God and perform divine mysteries in the metropolitan church, as circumstances permitted, he obtained from the Most Holy Pope Pius X, by apostolic authority, that the ancient Chapter, adorned with the title of Metropolitan, be restored, or, if necessary, be newly erected with all rights, privileges, and indulgences with which other metropolitan Chapters, especially in the territory of Canada, enjoy and possess; and he obtained this through apostolic letters dated June 10, 1914, in which the same Pope – after having determined that the Quebec Chapter should consist of three dignitaries, namely, a Dean, as president of the Chapter, an Archdeacon, and an Archpriest, to whom the care of all the souls of the metropolitan parish was entrusted, as well as nine canons, of whom two would assume the office and title of Penitentiary and Theologian – decreed: "Because priests, when choosing canons, are burdened with other ecclesiastical duties, and are presently lacking in canonical benefices, We, until the number of erected canonical benefices has been increased in a suitable manner, which we confidently expect and desire to happen soon, exempt those same capitulars from residence in the city and from choral offices for the time being, granting, however, the Archbishop of Quebec the power to do so." SPECIMEN OF THE AGREEMENT.

[*Latin ed. p. 195*]

The Holy Congregation of the Council 195, "according to what is stated in the Instruction of the Holy See of Propaganda Fide addressed to the Ordinaries of the ecclesiastical province of Quebec on September 28, 1852, and in the Plenary Council of Quebec, the aforementioned canons are to be convened at least once a month, especially on more solemn feasts, for the service of the Church, or as often as it may deem appropriate to address the affairs of the diocese and of the Chapter itself, concerning which, according to the sacred canons, the opinion of the Chapter is to be sought." Furthermore, after the Chapter was happily established, which solemnly took possession on June 9, 1915, in the Metropolitan Church, the Most Reverend Archbishop devoted all his effort and care to ensure that, following pontifical custom, he could provide the Chapter with a suitable and increasing endowment as soon as possible. Therefore, since, from February 27, 1889, a rescript from the Holy See of Propaganda Fide, granted with the approval of the Holy Father, had permitted "the granting of a dispensation whereby the Bishops of the entire province of Quebec could

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demand a tenth part of the income from each parish for the construction of churches, until otherwise provided by the Apostolic See," the Archbishop imposed this tax, in a more lenient amount of five percent (5%), and indeed only on the revenues derived from the rental of pews in churches, on each parish and quasi-parish, by a decree of April 15, 1915, and, furthermore, by another decree of June 22, 1916, he subjected the religious sodalities of his diocese to a certain annual tax; stipulating that from these collections, each canonry should contribute an annual sum of $300 (of which $120 would be allocated for daily expenses), and that whatever remained, after paying other expenses of worship and administration, should be converted into a capital fund to be increased, until, indeed, this fund alone would suffice to cover the annual canonical expenses. To this end, the Most Reverend Archbishop took care to ensure that the aforementioned "Archiepiscopal Corporation of the Roman Catholic Church of Quebec" would, in a legally valid manner, obligate itself to collect these taxes and fees, and to allocate the proceeds thereof, in the aforementioned manner, for the benefit of the Chapter, and even to supplement them, if, for any reason, the collection of taxes proved insufficient.

Therefore, in this way, the Most Reverend Archbishop secured the perpetual right for each canon to demand, by virtue of his office, an annual income of three hundred dollars. And, in the judgment of the same Most Reverend Archbishop, this annual income, together with the revenues that each canon receives from the offices he holds in the diocese, seemed sufficient to honestly bear the canonical duties and obligations. Therefore, by the same decree of May 25, 1916, it was established that "each canon is subject to the canonical offices prescribed by law, and is therefore obligated..."

[*Latin ed. p. 196*]

196 Acta Apostolicae Sedis - Official Commentary "regarding the choral office and also the conventual Mass to be celebrated daily in the cathedral church." However, since some of the canons, notwithstanding the aforementioned, did not yet consider the condition stipulated in the apostolic letters, namely, the provision of a suitable sum to be established for each canonry, to have been fulfilled, they appealed to this Holy Congregation against the aforementioned archiepiscopal decree, requesting, among other things, a solution to this doubt, namely: "Do the revenues assigned to the canons of the Metropolitan Church of Quebec constitute a suitable provision, so that the exemption or dispensation from choral obligations, about which mention is made in the Apostolic Bull of the erection of the Chapter in this case, may be considered fulfilled?"

SYNOPSIS OF THE DISPUTE. The canons appealing contend that the proposed measures should receive a negative response for the following reasons. Firstly: The Archbishop could not validly burden the archiepiscopal fund with such a contribution in favor of the Chapter itself, without

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the consent of the Chapter; for it involved a very serious alienation of assets belonging to the fund. Furthermore, he could not validly, without the consent of the Chapter, establish or define what amount of revenue would be sufficient to constitute a suitable provision: since this involved not only a serious matter, but a matter which concerned the canons most directly, indeed, it affected them individually, as well as collectively. Therefore, it is clear from the outset that the archiepiscopal decrees, issued without prior consultation with the Chapter, are, with all due respect to the prelate, entirely devoid of legal force and validity. But furthermore: For any provision to be validly constituted, it is absolutely necessary that the perpetuity of the legal right to receive the fruits with which it is associated be perceived. To this effect, canonists teach unanimously that a benefice or endowment must be established either in immovable property, or at least in certain and perpetual revenues (cf. Leuren., Forum benef., q. VII), which very point was clearly affirmed by the Sacred Congregation of Rites in the case of Fanen., Erectionis canonicatuum, March 22, 1760: "The endowments of benefices must be certain and perpetual, and subject to no peril." - Conversely, the revenues established by the Archbishop in this case: 1) are subject to a precarious concession from the Holy See; for the grant, by virtue of which it is permissible to demand one-fifth of the revenues, which must be paid by any parish priest for the construction of the church, is endowed or rather, weakened, with the clause "until otherwise provided by the Holy See"; therefore, it is by no means perpetual; 2) are dependent on the will of the grantor, or at least subject to its vicissitudes.

[*Latin ed. p. 197*]

1. The Congregation of Council consists of 19 members: because, in this case, the revenues fully belong and pertain to the archiepiscopal fund, which, therefore, can, without impediment or prohibition, cease the annual allocation in favor of the Chapter whenever it deems it appropriate; however, the cessation of this allocation is foreseen for the time when it seems sufficient to allocate the surplus of these revenues to the capital fund, which will be sufficient to bear the annual expenses of the Chapter; 3) at least in part, since these revenues originate from annual taxes imposed on all and each religious order and diocesan societies, these revenues are to be considered precarious, inasmuch as they depend on the confirmation of the Superiors; for it is a tax that is legally excessive, indeed, it is imposed contrary to chapter 3, X, concerning *censibus*, etc., III, 39, especially where it burdens a religious society exempt from the jurisdiction of the Ordinary; therefore, it cannot be maintained unless it is supported by a special Indult from the Holy See. Indeed, who would say that such revenues rightfully correspond to the perpetual right to receive ecclesiastical fruits, which is primarily considered in the granting of a benefice, especially if they are compared with the revenues that formerly

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belonged to the ancient Chapter of *Quebecensi*, from an assignment made to it of a very large estate, as well as the revenues of three abbeys? Thirdly: in the Apostolic Letters to which we refer, it is not of any benefice that we speak, but of a suitable one, which, namely, is sufficient to provide for the decent and honorable sustenance of the beneficiary, according to his status and condition. Regarding this, Saint [Thomas Aquinas] says in the *Summa*, 1st Part, 3rd Question, 35th Article: "It must be kept in mind the dignity of the person, his rank or civil origin, health, knowledge, and other personal qualities that entail greater needs; nor should the time and place be disregarded, moderate hospitality, not only for the poor, but also for relatives and friends, honest recreation, the probable danger of a future illness," etc. Cf. also Gennari, *Questiones morales*, n. 87. Considering these things, in the *Quebecensi* state, scarcely a thousand dollars per year would be considered a suitable benefice, which is far from the amount established by the archiepiscopal decree. It cannot be maintained that each canon can, from their civil or ecclesiastical offices, perhaps supplement whatever is lacking to reach the aforementioned sum of one thousand dollars; for in the calculation of the benefice, only ecclesiastical goods can be included, namely, those that are received as fruits from the endowment of the benefice, and not patrimonial or industrial ones. Otherwise, it would be in vain that in the Apostolic Letters, as well as the reason for the exemption from choral duties, it was stated that "priests who are chosen as canons are engaged in other ecclesiastical duties." Therefore, considering the inadequacy of the alleged benefice, it is not yet time to consider this reason as valid.

[*Latin ed. p. 198*]

198 Acta Apostolicae Sedis - Official Commentary: The condition under which a granted concession or exemption must cease to be valid. Thus far, the recurring points for the Canons. By virtue of his office, since the Archbishop has entrusted the entire matter simply to the counsel and judgment of the Apostolic See, certain brief observations must be presented in support of the affirmative response to the doubt. And first, those matters which are presented from the opposite side concerning the necessity of inquiring into the counsel of the Chapter, either in the supposed alienation of goods, or in determining the amount of a suitable endowment, seem to be to be overlooked: for it is clear that the vote of the not-yet-established College is not required for validity in matters concerning the origin and formal constitution of itself. But with regard to providing perpetuity, or rather, in this case, stability, it is manifestly indicated by law that the endowment of a benefice must be stable, from which revenues are perpetually received; nevertheless, no particular method, degree, or form of this stability is determined. It is certainly not necessary, for the endowment of a benefice, that immovable property be assigned, as we are taught by the ancient epis-

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copal Chapter of Quebec; it suffices, as Leurenius states, "that a thing be burdened with a real, perpetual, and inextinguishable revenue, not with the person, but with the thing itself, passing to whatever possessor;" hence, the Canonists generally teach that beneficial goods can be constituted from tithes, and even from pensions promised by the government (cf. Bouix, De Capitulis, p. 156), and it is a far more common opinion [which has been happily promulgated in the recently enacted Code of Canon Law, can. 1410] that the rights of the stall, although uncertain, can come to the endowment of a benefice (cf. Reiffenstuel, in 1. III, tit. XXV, n. 67). But in this case, we are dealing with a moral person, no less perpetual and stable than the Chapter itself, that is, the Archiepiscopal Mensa of Quebec, which undertakes, in a legally valid manner, to provide, for a certain number of years from determined revenues, or, if those are lacking, from whatever other of its goods, certain revenues; therefore, nothing seems to be lacking for the required stability. However, the Canons invoke the precarious nature of the assigned revenues: first, because the obligation, as we have seen, does not refer solely to these revenues, but, if these are lacking, to whatever other pertains to the Mensa; and, secondly, even setting these aside, 1) in themselves, the revenue from taxation on industrial profits is no less perpetual and certain than revenue from tithes, or from the rights of the stall, or from pensions promised by the lay government, all of which are commonly accepted as stable goods; 2) nor does this stability falter from additions: for a) it is read in the Indult of the Sacred Congregation of the Propagation of the Faith that...

[*Latin ed. p. 199*]

S. Congregatio Concilii 199, ubi scribitur « donec aliter ab Apostolica Sede provideatur », videtur primariamente intendere non substantiam concessionis factae, quae de iure communi Episcopis competit (cfr. Cod. Iur. Can., can. 1504 ss.), sed quantitatem tributi exigendi; et praeterea, non est supponendum quod Apostolica Sedes, aliter providendo, legitima desideria Episcopi in tali casu negligat. b) Item, si cessatio proventus praevidetur, cum ex superfluis congregationibus pars capitalis formata erit, id non nocet, sed prodest stabilitati reditus, quia proprietas ipsius partis capitalis manet apud Capitulum. c) Frustra arguitur tributum impositum religiosis sodalitatibus a iure exorbitans esse, et ideo Apostolicae Sedis improbationi obnoxium; quia Capitulares non docent de non obtenta ad rem facultate, dum praesumptio stat pro Superiore; immo neque sic docendi facultatem habent, cum ius reclamandi, si daretur, profecto religiosis sodalitatibus gravatis competebat, non autem Capitulo quod exinde favorem et commodum reportaret. Circa congruam vero ad honestam sustentationem Capitularium praebendae quantitatem, res tota in estimatione est; nec minus profecto facienda est Archiepiscopi, quam Capituli, existimatio. Excludi autem non debet, uti Capitulares

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praetendunt, ab aequa computatione facienda, quidquid Canonici singuli ex aliis munibus civilibus aut ecclesiasticis percipiunt, nisi in quantum, ob choralium functionum onera, horum munerum continuatio impediretur. Unde etiam regula seu norma iudicii ad praesentem controversiam terminandam facile deduci videtur: cumnempe praebenda ab Archiepiscopo constituta congrua non appareat ad universum integrumque servitium chorale obeundum, (quod nimirum integras beneficiati vires facile exhauriret, et ideo exigeret ut de praebenda sola beneficiatus vivere posset), ipsum servitium chorale per opportunam dispensationem ad proportionem ipsius constit utae praebendae minuendum, seu reducendum videtur. Sed in hoc sensu propositae a Canonicis quaestioni affirmativum responsum debet dari, quatenusnempe, si nondum cessavit conditio his verbis enunciata: « Quoniam vero sacerdotes in Canonicos eligendi, aliis ecclesiasticis munibus distenti sunt », cessasse dicenda est quae statim subditur, « et deficiunt in praesens praebendae canonicales », ex quo, munificentia Emi Archiepiscopi erecti Canonicatus praebenda, saltem aliqua ratione congrua iam aucti fuere. - Proposito itaque suprascripto dubio, Emi ac Rmi S. C. Concilii Patres, in plenariis comitiis in Palatio Apostolico Vaticano habitis, die 14 iulii 1917, respondendum censuerunt: RESOLUTIO.

[*Latin ed. p. 200*]

200 Acta Apostolicae Sedis - Official Commentary: "Affirmative; the Most Reverend Archbishop was granted the faculty of limiting 'the choral service solely to Sundays and holy days of precept, or other solemnities, to be determined by the same,' provided that the present circumstances endure." The resolution of the Most Reverend Fathers, Our Lord Benedict, Divine Providence, Pope XV, deigned to approve and confirm in an Audience on the 16th day of the same month and year, as reported by the undersigned Secretary. I. MOFJ, Secretary.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: APPOINTMENTS. By Apostolic Briefs, the following were appointed:

March 13, 1918. – Apostolic Vicar of the vicariate of Kien-tchang in China, Reverend Father Joseph Bourgain, from the Seminary of Paris for foreign missions.

March 14. – Apostolic Vicar of Borneae Hollandiae, Reverend Father Pacificus ab Uden, formerly known as John Bos, of the Order of the Friars Minor Capuchin.

[*Latin ed. p. 201*]

I. CONSTITUTIONES VENERABILIS COLLEGI ANGLICI DE URBE

The purpose of the Venerable English College in the City [of Rome]

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is that English students, who gather there and grow in the hope of the Church, may be properly cultivated in the virtues proper to the Sacred Order and in all that is fitting for learning.

II. The College is immediately subject to the Holy Congregation for Seminaries and for Universities.

III. A Cardinal Patron shall be assigned to the College.

IV. The Cardinal Patron, by the authority of the Apostolic See, exercises within the College those rights and duties which belong to the Bishops of England, and which the latter themselves cannot exercise, provided that the rules and prescriptions laid down in these Constitutions are observed.

V. The Eminent Patron presides over all who reside in the College, whether they be superiors or subordinates; he decides on matters concerning the admission, correction, and dismissal of students; he determines to whom the revenues of the endowment (scholarships) shall be assigned; he receives the oaths of the students, which they are obliged to take according to established norms; he takes care that the statutes and prescriptions are faithfully observed; and finally, he establishes all things and every detail that are deemed necessary and appropriate for the governance, progress, and administration of the Institute.

VI. The English prelates shall communicate with the Eminent Patron concerning the students of their own dioceses who are to be admitted to the College.

VII. The Eminent Patron shall grant testimonial letters for admission to the Orders; the proper Bishop, however, shall grant the letters of dismissal.

VIII. There shall be two bodies of Deputies in the College: one for discipline, and one for the administration of temporal goods. Each body of Deputies shall consist of two priests, nominated by the Holy Congregation for Seminaries and Universities for a period of six years. The Eminent Patron shall consult with the bodies of Deputies in important matters.

IX. The Rector is chosen by the Supreme Pontiff, and he exercises his office at the will of the Holy See. He manages the affairs of the College; whatever pertains to the Institute...

[*Latin ed. p. 202*]

Acts of the Apostolic See - The usefulness required is provided by itself; however, matters of greater importance should not be decided without consulting the Most Reverend Patron. - All are obligated to obey the Rector in fulfilling his proper duties. X. For all who are in the College, the Rector, or his delegate, shall perform the office of Parish Priest, for the purpose of administering justice. XI. The Rector shall annually report to the Sacred Congregation for Seminaries and Universities, to the Most Reverend Patron, and to the Bishops of England, on the entire state of the College, namely, on piety, discipline, studies, and domestic affairs. XII. The Rector's

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assistant is the Vice-Rector, to be appointed by the Most Reverend Patron, after consultation with the Most Reverend Vicar of the City, the Rector, and the representatives for the preservation of discipline. It is his duty to perform the Rector's functions in his absence or when he is hindered in his duties, and to ensure that all things are carried out properly in the College. XIII. There shall reside in the College, elected by the Supreme Pontiff, a Master of Piety, who is entirely responsible for forming the minds of the students. In addition to him, two confessors, approved by the Most Reverend Vicar of the City, shall be designated by the Most Reverend Patron, after consultation with the Rector. XIV. The Economist, appointed by the Most Reverend Patron, after consultation with the Most Reverend Vicar of the City, the Rector, and the representatives for administration, shall manage the domestic affairs, under the authority of the Most Reverend Patron and the Rector. - Nothing prevents the duties of the Economist from being performed by the Vice-Rector himself, if necessary. XV. A Prefect shall be designated by the Rector for each department. XVI. The ownership and dominion of all temporal goods, whether movable or immovable, are according to the mind of the Gregorian Constitution *Quoniam Divinae bonitati*. XVII. The students shall pursue their studies according to the prescriptions of the law; and if any wish to obtain academic titles and degrees, they shall do so at the Faculty or University, duly established by the Apostolic See. XVIII. The students shall be advanced to the Orders, according to the common law, subject to any contrary privilege. XIX. Concerning the students who, if circumstances require it, are to be dismissed from the College, the Cardinal Patron shall give his judgment, after consultation with the Rector and the representatives for discipline, and the decision shall be communicated to the Ordinary in due time, unless otherwise stipulated. XX. In all things, therefore, whatever may be, the common law shall be observed, and the Bull of the erection of the College, *Quoniam Divinae bonitati*, shall remain in full force. The Most Reverend Fathers of the Sacred Congregation for Seminaries and Universities, presiding over the plenary assembly, held on the eighteenth day of the month of December.

[*Latin ed. p. 203*]

The Holy Congregation for Seminaries and Universities, on the 203rd day of this year, judged that these Constitutions could be approved. On the following day, the Most Holy Father, Pope Benedict XV, in an audience granted to the undersigned Secretary, ratified and confirmed the judgment of the Fathers, and ordered that these same Constitutions be observed perpetually, notwithstanding any contrary opinion. Rome, from the Secretariat of the Holy Congregation for Seminaries and Universities, on the feast of Saint Thomas, Bishop and Martyr of Canterbury, December 29th, in the year 1917. CAJETANUS CARD. BISLETI, Prefect. L. R. S. James Sinibaldi, Bishop of Tiberias, Secretary.

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II. CONSTITUTIONS OF THE COLLEGE OF BEDE IN ROME.

I. The College of Urban, named after the Venerable Bede, has this purpose: that English men, who, having renounced heresy, desire to labor among their fellow citizens in restoring the Catholic faith, may be duly ordained and formed for the priesthood. It is also permitted to co-opt into the College, also from among the English, those who, having rejected error and having embraced the priesthood, come to Rome for the purpose of more perfectly cultivating their doctrine.

II. Furthermore, it is permitted to co-opt into the College English men of more mature age who have always been nurtured in the bosom of the Catholic Church; but no one shall be admitted who has not attained the age of twenty-four years, unless he has already received the priesthood.

III. The College of Bede shall be separate from the English College, with distinct buildings, administrators, laws, and revenues.

IV. The College shall depend immediately upon the Holy Congregation for Seminaries and Universities.

V. A Cardinal Patron shall be attached to the College of Bede, who also presides over the English College.

[*Latin ed. p. 204*]

204. Acta Apostolicae Sedis - Official Commentary VI. The Cardinal Patron, by the authority of the Apostolic See, exercises those rights and duties within the College which belong to the Bishops of England, which he himself cannot exercise directly, provided that the rules and prescriptions established in these Constitutions are observed. VII. The Eminent Patron presides over all those who reside in the College, whether they be superiors or subordinates, and he will establish regulations concerning the admission, correction, and dismissal of students; he will determine to whom the revenues of the endowment (scholarships) are to be assigned; he will ensure that the statutes and prescriptions are faithfully observed; and finally, he will establish all things and particulars which appear necessary and suitable for the governance, progress, and administration of the Institute. VIII. The Antistites (Bishops) of England communicate their counsel to the Eminent Patron concerning the students they intend to admit to the College. IX. The Eminent Patron will grant testimonial letters to the Orders; the proper Bishop, however, will grant the letters of dismissal. X. There shall be two bodies of Representatives in the College, one for discipline, and one for the administration of temporal goods. Each body of Representatives shall consist of two Priests, nominated by the Sacred Congregation for Seminaries and Universities for a period of six years. Both bodies shall attend the College, which is located in England. The Eminent Patron shall consult with the body of Representatives in matters of greater importance. XI. The Rector is chosen by the Supreme Pontiff and exercises his office at

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the will of the Holy See. He manages the affairs of the College; he provides for whatever the utility of the Institute requires; and he shall not decide on matters of greater importance without consulting the Eminent Patron. All shall obey the Rector in his proper duties. XII. For all those who are in the College, the Rector, or his delegate, shall perform the office of Parish Priest, for the sake of the administration of justice. XIII. The Rector shall annually report to the Sacred Congregation for Seminaries and Universities, to the Eminent Patron, and to the Bishops of England, on the entire state of the College, namely, on piety, discipline, studies, and domestic affairs. XIV. The Rector is assisted by a Vice-Rector, who shall be nominated by the Eminent Patron, after consultation with the Eminent Vicar of the City, the Rector, and the Representatives for the preservation of discipline. It is his duty to perform the functions of the Rector, whether the Rector is absent or hindered in his duties, and to ensure that all things are properly conducted in the College. XV. There shall also be a Master of Piety, chosen by the Supreme Pontiff, who, through virtue and prudence, will be beneficial to the students by word and example. In addition to him, two confessors shall be designated by the Eminent Patron, after consultation with the Rector, and approved by the Eminent Vicar of the City.

[*Latin ed. p. 205*]

The Holy Congregation for Seminaries and Universities:

XVI. There should also be Masters in the College, appointed by the Most Reverend Patron, after consultation with the Rector and those responsible for discipline, to whom the students may turn for guidance regarding matters they have heard publicly in the schools.

XVII. The Procurator, appointed by the Most Reverend Patron, after consultation with the Most Reverend Vicar of the City, the Rector, and those responsible for the administration of the household, takes care of the affairs of the household, being dependent on the Most Reverend Patron and the Rector. - Nothing prevents the Vice-Rector from performing the duties of the Procurator if necessary.

XVIII. The property and ownership of all temporal goods, both movable and immovable, belong to the College.

XIX. The students of the College will attend the lectures of the Doctors of the Gregorian University. - However, if there is a reason, other approved doctors from schools in the City may not be prohibited. - Those who cannot attend public schools may, with the permission of the Moderators, use private teachers.

XX. The students shall devote at least one year to the study of Scholastic Philosophy, and shall diligently and regularly devote at least three years to the study of Dogmatic and Moral Theology. - Those who are to undergo the academic degrees in the schools shall present themselves to the doctors

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at the end of the year for examination.

XXI. The students who are being trained for ecclesiastical duties shall diligently practice giving sermons, teaching catechesis, and resolving controversies on sacred matters that have arisen among them.

XXII. The students shall be promoted to Tonsure and to the minor Orders in the second year of their theological studies; to the major Orders, in the third year. In all other matters, the common law shall be observed, except for any privileges.

XXIII. Those who are supported by the expenses of the College, upon completing their studies, shall return to their own dioceses, according to the provisions of the law. - If, for some reasonable cause, they are prevented from doing so, they shall inform the Cardinal Patron, to whom they wish to be assigned. The Cardinal, after consulting with the Bishops of England, shall decide what is to be done.

XXIV. Regarding the students who, if circumstances permit, are to be dismissed from the College, the Cardinal Patron shall give his opinion, after consulting with the Rector and those responsible for discipline, and shall inform the Ordinary in due time, unless otherwise agreed.

XXV. In all matters, where the constitutions do not expressly prohibit, the common law shall be observed, and the statutes contained in the Motu Proprio of Leo XIII shall remain in full force.

The Most Reverend Fathers of the Congregation for Seminaries and Universities, in a plenary session held on the eighteenth day of the month of December of this year, judged that these constitutions could be approved. On the day...

[*Latin ed. p. 206*]

208 *Acta Apostolicae Sedis* – The official commentary follows. His Most Holy Father, Pope Benedict XV, in an audience granted to the undersigned Secretary, having considered the opinion of the esteemed Fathers, approved and confirmed it, and ordered that these same Constitutions be observed perpetually. Notwithstanding any contrary opinions. In Rome, from the Secretariat of the Sacred Congregation for Seminaries and Universities, on the feast of Saint Thomas, Bishop and Martyr of Canterbury, the twenty-ninth day of December, in the year 1917. CAIETANUS CARD. BISLETI, Prefect. L. & S. f. JAMES SINIBALDI, Bishop of Tibur, Secretary.

[*Latin ed. p. 207*]

"ACTS OF THE SACRED ROMAN ROTA.

I VICARIATE OF THE APOSTOLIC VICARIATE OF NORTH

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MANCHURIA.

ON THE NULLITY OF MARRIAGE (OUANG-I-CHAN AND IANG-K'EOU-TZE).

Under the blessed reign of Pope Benedict XV, in the third year of his pontificate, on the 6th of June, 1917, the Most Reverend and Reverend Fathers, Frederick Cattani Amadori, presiding, Peter Rossetti and Raphael Chimenti, Auditors from Tournon, in the cause of the Apostolic Vicariate of North Manchuria, concerning the nullity of marriage, between the young man Franciscus Ouang-i-chan and the maiden Iang-K'eou-tze, represented by her legitimate procurator, the advocate Henry Benvignati, with the defender of the sacred bond present and arguing in the cause, rendered the following final judgment.

In the city of Sinensi, commonly called Se-Kia-tze, a certain maiden devoted to the Catholic religion, named Iang-K'eou-tze, lived with her uncle Kao, from whom she had a child. But the young man Franciscus Ouang-i-chan, the second of three brothers, from a family also devoted to the Catholic religion, and whose parents had died, desired her. After the maiden's uncle had committed sin with her, he advised the elder brother of the Ouang family to seize her by force and give her in marriage to his brother Franciscus, who lived with him. Therefore, on the first night of the twenty-second month of the lunar year, in the year synic, ten men were sent by the Ouang family, among whom was Franciscus, armed with clubs and weapons, who forcibly took the maiden Iang-K'eou-tze from the home of her uncle Kao. They found the maiden on a road she was traveling, and took her by force to the home of the Ouang family. There, the elder brother urged her to agree to marry Franciscus, but she always refused, until, after a few days, or, as it seems, on the sixth day of the first moon, at dawn, she secretly fled, and went to her uncle's house.

[*Latin ed. p. 208*]

208 Acta Apostolicae Sedis - Commentarium Officiale. Brinum Kao fled. Immediately, upon learning of this, five or six armed men from the Ouang family attacked her; and she was captured again and brought back to the home of Francis. There, she was treated well. Then, she declared that she was willing to enter into marriage with Francis, and therefore, the time for the celebration was set. However, the day before the wedding, four catechists, leaders of the Christian community, met with the Ouang family to question the girl; and Yang-K'eou-tze declared that she had no reason not to marry Francis. Then, as night approached, four or five men, armed, took her first to the home of a catechist, where she remained for an hour, then to a school for girls, and then to the home of Martha Chao-Ouang-che, who was related to the Ouang family, where she spent the night. The

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following morning, before sunrise, the marriage of the girl, Yang-K'eou-tze, to Francis Ouang-i-chan was celebrated in the church of the Pago, and several guards, armed, stood watch at the church door. When asked by the priest, both of the betrothed gave their consent. After the wedding, Yang-K'eou-tze was taken to the home of the Ouang family, where she remained with Francis, as his wife, for one month and twenty days, with joy and harmony. The Ouang family, as is customary in China, offered money to the parents of the bride, which they refused, saying that they had not wanted their daughter to marry Francis. Meanwhile, Yang-K'eou-tze, perhaps influenced by her parents, brought a case before a civil judge against the man, declaring that she did not wish to live with him as his wife; however, the judge rendered no judgment. When Yang-K'eou-tze went to live with another man, causing scandal among the faithful, the Apostolic Vicar of Northern Manchuria, under whose jurisdiction the Pago of Se-Kia-tze is located, ordered that a case be brought regarding the validity of this marriage; after being informed of the case, on the fifth day of the month of March in the year 1914, a judge delegated by him rendered a judgment, declaring the marriage between Yang-K'eou-tze and Francis Ouang-i-chan null and void, due to the impediment of abduction. From this judgment, an appeal was made to our Tribunal of the Sacred Bond. Therefore, we must answer the question, according to our usual procedure, of whether there is evidence of the nullity of the marriage in this case. Which is the fact. - In the proceedings of this case, by the Tribunal of the Apostolic Vicariate of Manchuria, fifteen witnesses were questioned, besides the defendant in the case, Francis Ouang-i-chan; however, Yang-K'eou-tze was not heard, because, as stated in the judgment, she was prevented from appearing before the tribunal, and for that reason, she was not called as a witness. The Apostolic missionary in the district of Se-Kia-tze testified to the credibility of all the witnesses; and each of them affirmed their testimony under oath.

[*Latin ed. p. 209*]

Saint Francis Ouang-i-chan, the husband of the young woman Iang-K'eon-tze, who at that time, namely in the year 1914, was 25 years old, when questioned by the judge, candidly confessed everything, as we have narrated in the form of facts. The witness Martha Tchao-ouang-che, who was then 32 years old, is the sister-in-law of the husband and, by remote kinship, is related to the bride, who was taken away the night before the wedding. This woman, when questioned by the judge, recounted that on that night she had urged the young woman Iang-K'eou-tze to properly prepare herself to receive the sacrament of marriage. The following morning, when questioned by the priest whether she wished to take Ouang-i-chan as her legitimate husband, she answered affirmatively twice. The defender of the marriage questioned the witness as to whether Iang-K'eou-tze, especially the day before the wedding, could freely leave the

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house of Ouang, or if she had asked for permission to leave, and whether she had obtained it. To this, the witness replied: "Perhaps she did not obtain it." The witness Paula Pai-Ouang-che, 49 years old, has no kinship with either party. She recounts that Iang-K'eou-tze, after being taken away a second time by the family of Ouang, appeared happy before the wedding, but not afterward. She said: "I only want to live with my friend Kao." This was not done to force her to consent to the future marriage, but to prevent her from being taken away by the family of Ouang to her friend and cousin Kao. ... It is reported that after Iang-K'eou-tze was given to a certain third man named Tchang, she showed a desire to remain with Ouang-i-chan, because Tchang appeared to be of advanced age (he was 50 years old). The witness Vincentius Pai-iun-tchou, 30 years old, is related to the family of Ouang, and believes that Iang-K'eou-tze, when asked by the priest about her consent to the marriage, answered "From the bottom of my heart, no." The witness Andreas An-iun-cheng, 23 years old, saw the men who were taking the young woman away, and there were twelve of them; indeed, he himself was among those who took the young woman away a second time. He asserts that Iang-K'eou-tze consented to the marriage because she could not do otherwise. And when the judge asked him: "Suppose that Iang-K'eou-tze had the power to freely go to consider the matter of her marriage, would she have returned to Ouang-i-chan after deliberation?" the witness replied: "Probably she would not have returned." The witness Petrus Ouang-Souen, 65 years old, lives in the village of Se-Kiatze, is the uncle of Francis Ouang-i-chan, and is the cousin of the father of Iang-K'eou-tze, and performs the duties of a catechist. He recounts that after the abduction, the *ACTA*, vol. X, n. 5. — 1-5-918. 14

[*Latin ed. p. 210*]

210 Acta Apostolicae Sedis - The official record states that a young girl from the Ouang family was abducted, and after she was found again and returned to the house from which she had fled, she was constantly watched to prevent her from escaping again. The day before the wedding, four catechists (leaders of the Christian community) gathered at the Ouang family's home to hear what the girl would say. They entered the house and sat down, waiting until dinner was prepared. Iang-K'eou-tze entered the room where these four men were waiting, but she immediately left. When the food was ready, Iang-K'eou-tze entered again and sat down with them. The witness then addressed the girl in this manner: "Now, there is no one in this house who is a stranger; if you have anything to tell us, you can confidently come out and speak freely." Then she replied: "I have nothing to say; why should I not marry Ouang-i-chan?" The catechist Han then said: "The priest will ask you, so you must tell us whether you want to marry Ouang-i-chan or not; if you answer 'yes' before us today, you must also answer 'yes' before the priest, lest you involve us in your deception."

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Iang-K'eou-tze replied: "Why should I not marry Ouang-i-chan?" The defender of the sacred bond then asked the witness: "Did the Ouang family give money to the parents of Iang-K'eou-tze, and why was the girl happy when her parents were causing trouble for the Ouang family?" The witness replied: "Money was prepared, but Iang-K'eou-tze's parents refused to accept it, because they did not want to place the girl in the Ouang family." The witness continued: "The girl was happy during the dispute, because she wanted to live with no one but her cousin Kao." The judge then asked the witness: "Suppose that Iang-K'eou-tze had been given freedom at a certain time, and it had been permitted for her to choose between Ouang-i-chan and her cousin Kao, would she have returned to Ouang-i-chan?" The witness replied: "She would not have returned." The judge then asked again: "If, the day before the wedding, she had been given permission to leave, and if she had been told: 'Tomorrow the wedding will take place; if you want to marry Ouang-i-chan, come to the church for the wedding,' would she have come?" The witness replied: "She would not have come." The witness Maria Han-Hing-che, the mother of Francis, was present at the wedding and testified: "The priest asked Iang-K'eou-tze twice whether she wanted to accept Ouang-i-chan as her lawful husband. The first time, she did not answer clearly, but the second time, she answered affirmatively with a distinct voice. During the ceremony, armed men were standing in front of the church doors." The defender of the bond then asked the witness whether the girl had answered from the bottom of her heart. The witness replied: "I believe that she answered from the bottom of her heart." The witness Raymundus Han-Kin-in, 55 years old, who lives in the village of Se-Kia-tze and has no connection with any of the parties, was questioned by the judge.

[*Latin ed. p. 211*]

In Romana, on the 21st of the month, the following transpired: "If Iang-K'eou-tze had been given permission to leave freely, would she have returned to the Ouang family?" The judge inquired. The response was: "She would not have returned." Again, the judge: "If she had been taken to her mother, would she have given her consent to the marriage of the girl with Ouang-i-chan? If she had given her consent, would Iang-K'eou-tze have returned to the Ouang family?" To this, the witness replied: "She would not have returned; and in no way would her parents have wished to give her to Ouang-i-chan in marriage; and after returning to the city, following the civil lawsuit, while she was with her parents, she never requested that she be allowed to go to Ouang-i-chan."

The witness, Apollinaris Ian-ioung-heu, 32 years of age, a merchant, having no kinship with any of the parties involved, and who was present at the abduction, also responded to the judge that if the bride had been given freedom to leave the Ouang family, she would have left, and that while the

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lawsuit against this family was being conducted, she was happy, hoping that it would be permissible for her to remain with her cousin Kao; she desired no other man.

The witness, John Baptist Ouang-i-u-lin, 44 years of age, is the cousin of Francis Ouang-i-chan, and is also related to Iang-K'eou-tze. He was among the abductors, armed with a rifle and a club. He recounts that, after the girl was abducted a second time and brought back to the Ouang family, she was urged by many to remain there. She said the day before the wedding: "Since things are as they are, do as you please," and then continued: "Whether in the An family, or in the school for girls, or with Martham Tchao-Ouang-che, the armed men ceased to watch over the girl, lest she be abducted by others. After the marriage, she remained with Ouang-i-chan for one month, and during that entire time, she was happy. When she came to the city, to conduct the civil lawsuit, she was also happy. The men of the Ouang-i-chan family did everything they could to prevent themselves from appearing before the civil court. After the lawsuit was concluded, the girl remained with her mother and did not wish to return to Ouang-i-chan."

The witnesses, Joseph Pai-King-ts'ouen, Ignatius Pai-tsoung-chan, and Gregory Tchang-ta-Kouang, the first and last of whom were present at the abduction of Iang-K'eou-tze, reported nothing new, but described the manner in which the girl was abducted, which we have already detailed in the account of the facts.

The witness, Bartholomew T'si-ioug-iao, 37 years of age, residing in the county of SeKia-tze, is related to the bridegroom by a distant kinship. He was also present when the girl was abducted, and heard her and her mother weeping. He adds that, along with Iang-K'eou-tze, her cousin Kao was also taken to the Ouang family, but he was bound with ropes. The following day, he went to the Ouang family to free his friend Kao, and then asked the girl to leave him there and remain. But the girl did not.

[*Latin ed. p. 212*]

The official record of the Apostolic See states: He wished to hear her testimony, and neither the threats made against her were of any avail. The day before the wedding, a witness saw Francis' brother armed with a pistol, who said to him: "Finally, everything is settled; the wedding will take place tomorrow." To which Bartholomew replied: "What is that weapon for?" And he answered: "Oh! I am watching her, I fear that someone else will take her away." The judge questioned him: "Was the affirmative answer given by the girl to the priest truly from her own free will?" The witness replied: "Because she could not do otherwise, she answered affirmatively." He questioned her again: "If Jang-K'eou-tze had been granted her freedom, would she not have gone to Ouang-i-chan?" She replied: "She would not have gone." The witness Lawrence, 60 years old, is the father of the girl Jang-K'eou-tze. This man, who brought the case before the civil tribunal against

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the Ouang-i-chan family, testified that, when the judge, in the presence of the men of that family, asked Jang-K'eou-tze whether she wished or did not wish to live with Francis, she replied: "I would rather die than return to Ouang-i-chan." The defender of the sacred bond asked him: "Did you have any intention of giving your daughter in marriage to Ouang-i-chan?" The witness replied: "After my daughter was taken away, the Ouang family gave us no news of her; however, if the men of the Ouang family had come to speak with us, we could have discussed the matter of marriage and given our daughter as a bride to Ouang-i-chan." Finally, the testimony of Rosa An, 42 years old, who teaches the girls of the village the catechism and prayers, is heard. This is the woman who, the night before the wedding, kindly received Jang-K'eou-tze into her school. Then, she intended to encourage the girl and instruct her to make her confession. According to the witness, the affirmative answer that she gave to the priest the following morning, when questioned, was given under duress and by force. This is according to the law. In Roman law, it was established that no marriage was validly contracted if the girl had been taken away against her will, even if she consented to the abduction (1, 1, cod. De rapt, virginum, IX, 13), because of the injury that was inflicted upon the father, under whose authority the daughter was considered, as it were, a thing belonging to the father. Pope Innocent III corrected Roman law (cap. 7, X, De Rapt., 17), distinguishing between the crime of abduction and the impediment of abduction, stating that, even if the abduction had been consummated against the will of the girl, and the crime of abduction still persisted, nevertheless, if the girl freely consented, then the marriage was valid. Therefore, in the law of decrees, the impediment of abduction was not distinguished from the impediment of force and fear, so that marriage was annulled only because of the dissent and aversion of the abducted woman; but if what displeased her began to please her, and her consent freely followed, then the impediment was considered to be removed, so that the marriage was valid.

[*Latin ed. p. 213*]

213 The Roman Rota may not be able to proceed with a marriage, provided that the parties to be joined in marriage are legally competent; although, in this case, free consent cannot be presumed. However, the Council of Trident [Tridentinum] (cap. 6, sess. XXIV, de ref. matrim.) established a new impediment, specifically distinct from the impediments of force and fear. The words of the decree are as follows: "It is decreed by the Holy Synod that, between the one who kidnaps [raptor] and the one who is kidnapped [rapta], as long as the latter remains in the power of the kidnapper, no marriage can be valid. But if the one who was kidnapped, having been separated from the kidnapper and being in a safe and free place, consents to him as her husband, the kidnapper may take her as his wife; and nevertheless, the kidnapper himself, and all those who gave him counsel, as-

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sistance, or favor, are, by law, excommunicated and perpetually infamous, incapable of all dignities, and if they are clerics, they shall be deposed from their order. The kidnapper shall be obliged to provide, decently, at the discretion of the judge, for the woman he kidnapped, whether he takes her as his wife or not." Therefore, this decree, whether concerning the impediment itself or the penalties, pertains to kidnapping, whereby a man, with the intention of entering into marriage, violently abducts a woman from one place to another and keeps her under his power. D'Annibale explains the nature of this impediment as follows: "It is necessary that there be kidnapping: 1° that the woman has been abducted; 2° that she is unwilling; 3° that the abduction is done with the intention of contracting marriage with her." Therefore, kidnapping is understood in the man not as the act of abduction itself, but in the woman, concerning whether she is a virgin, or a widow, or a harlot, or a betrothed. Nor, from the second point, unless the woman has been abducted by force, or by instilled fear: and therefore, if she consented to the abduction, the kidnapping ceases; although she may have been abducted against the will of those under whose power she was; on the contrary, there is kidnapping if, although those are consenting, she is abducted unwillingly. Nor, finally, from the third point, if the kidnapper, although unwilling, abstains, but either to use her himself, or to have her married to another" (Summ. Th. Mor., p. 3, n. 446). Therefore, if Titus, by his own action, kidnapped Gaia, in order to marry her to Seius, neither is prohibited (although they are in the power of the kidnapper) from marrying her, not Seius because he did not kidnap, nor Titus because he did not kidnap with the intention of contracting marriage with her (Sánchez, VII, 13, 6; Schmalz., V, 17, 20). But if he kidnapped at Seius's command, the kidnapper is understood (from L. 5, pr. Ne quis eum qui in ius, Be lust., II, 18, 45; apud D'Annibale, l.c., n. 32). In our case, we have the girl Iang-K'eoutze, who was violently abducted from the house of her cousin Kao, where she was living freely, by the family of Ouang, in which there were three brothers, among whom was Franciscus, the second son; the cause of this violent abduction was the intention that Franciscus had of entering into marriage with her, and he himself was among the kidnappers of the girl, as he candidly admits. This violent abduction, once and again perpetrated, was followed by a marriage between Franciscus (who kidnapped her for himself) and the kidnapped girl, without her first having been placed in her freedom, and in a suitable place.

[*Latin ed. p. 214*]

214 From the Apostolic See - Official Commentary. Indeed, Iang-K'eoutze, after the second abduction, remained continuously in the house of Ouang, which belonged to Francis and his brothers (for their parents were deceased) and in which Francis himself resided; moreover, she was held there in confinement, for the house, after the girl's escape, was continu-

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ously guarded by armed guards. During the escape attempt, which the girl made the night before the wedding, from the house of Ouang, she first went to the house of the catechist, then to the school for girls, and finally to the family of Tchao, where she remained until she reached the church of the parish, still accompanied by assassins; indeed, these men guarded the doors of the church, ostensibly to prevent anyone else from abducting the girl, but in reality to prevent her from escaping. Moreover, if four catechists questioned the girl in the house of Ouang the day before the wedding, and told her: "Now there is no stranger in this house; if you have something to tell us, say it confidently, or come outside at your pleasure," she replied: "I have nothing to say; why are Ouang-i-chan not marrying?" However, it was true that she was being held there, and that the house was guarded by guards, and therefore, either the girl did not believe the catechists, or, if she did believe them, she did not dare to escape, or she could not. And indeed, even if she had wanted to leave, she would have been prevented, as some witnesses affirm. But let us also suppose that she wanted to remain there; nevertheless, the abduction would still be an impediment, for in matters of guilt, the beginning is considered (Cf. Wernz, Ius Decret., vol. IV, no. 280). Therefore, from the second day of the abduction, until the celebration of the marriage, Iang-K'eou-tze remained continuously in the hands of the family of Ouang. Nor does the argument of the Defender of the Faith hold against the nullity of the marriage, that the abductor was the brother of Francis, who was older than Francis; for he arranged the abduction not for himself, but for his brother; indeed, even if this were the case (which only Francis affirms, and not the other witnesses who speak of the family of Ouang), it would still be true that Francis abducted the girl, and that he abducted her for himself, not for another; and that he kept her, not in a foreign house, but in his own. Therefore, the decree of Trent concerning the impediment of abduction seems to be applicable to our case. Having considered all these things in law and in fact, we, the undersigned Auditors from Trent, sitting for the Tribunal and with only God before our eyes, invoking the name of Christ, decide, declare, and definitively sentence, answering the proposed question: Affirmative, that is, that the marriage is null in this case. We also order the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to enforce this our definitive sentence.

[*Latin ed. p. 215*]

The Sacred Roman Rota, in its 215th session, and against those who resist, shall proceed according to the norms of the Holy Canons, and especially chapter 3, session 25, concerning Reform, of the Council of Trent, employing those executive and coercive means which it shall judge to be more effective and appropriate for the circumstances. Rome, at the seat of the Tribunal of the Sacred Roman Rota, on the 6th of June, 1917. Frederick Cattani Amadori, President. Peter Rossetti. Raphael Chimenti. L.C.S. From

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the Chancery of the Sacred Roman Rota. Sac. T. Tani, Notary.

IN PADERBORN. (CASE OF NULLITY OF MARRIAGE: DE LAFFERT-BARTELS)

During the happy reign of Pope Benedict XV, in the third year of his pontificate, on the 27th of July, 1917, His Most Holy Eminences, the Reverend Fathers, William Sebastianiii, Dean, President, Peter Rossetti, and Raphael Chimenti, Auditors from Tournon, in the case of Paderbornen – concerning the nullity of the marriage between Olga de Laffert, an actress, represented by her legitimate procurators, Vincent Sacconi and Nazareno Ferrata, advocates, and Charles Bartels, who intervened and argued in the case in defense of the validity of the marriage. They rendered the following final judgment:

Olga de Laffert, devoted to the Lutheran Evangelical sect, being of approximately twenty-two years of age, on the 26th of February of the year 1899, entered into a betrothal with Charles Bartels, a man of forty-two years of age, who also professed the Evangelical faith. The betrothal was followed by a marriage celebrated on the 14th of April of the same year, before a non-Catholic minister, in the castle of Lhesen, near Waltemperg. For a time, the spouses were happy together. However, discord and disagreements did not fail to arise, so that in the year 1904, an agreement was made between them, by virtue of which the wife would have a certain independence from her husband; and it was permitted to her to establish a residence elsewhere with her children, at her discretion. During these disagreements, in the year 1907, the wife, completely abandoning her conjugal home, went to live with her parents, and after two years, she obtained...

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis - An official commentary on the civil authority's judgment regarding divorce. Subsequently, a woman, desiring to enter into new vows with a Catholic, Adolphus de Spiegel Convolare, petitioned the Curia of Paderborn, requesting that her marriage to Charles Bartels be declared null, based on grounds of coercion and fear. After four years, with the proceedings still incomplete, Dominus de Spiegel petitioned the Ordinary of Paderborn, requesting "to reopen" the proceedings initiated four years prior, because it appeared that there was hope "of success, if the matter were not examined solely from the perspective of 'fear,' but also from the fact that the lady de Laftert did not have 'the necessary marital consent.'" However, the judges of Paderborn declared the marriage invalid neither on the first nor on the second grounds, in a judgment of August 5, 1914. From this judgment, the plaintiff appealed to the H. S. Auditorium, and, after requesting and obtaining supplementary evidence, and with the previously dismissed question of fear, the cause was again to be deter-

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mined under the usual formula of debate: Whether it can be established that the marriage is null in this case. The law pertaining to this matter: "Marriage is made by consent, not by cohabitation. Marital consent is an act of the will, by which each party gives and accepts the perpetual and exclusive right in the body of the other, in order to acts suitable for the procreation of offspring. Hence, if either or both parties exclude marriage itself, or all right to conjugal acts, or some essential property of marriage, by a positive act of will, the marriage is invalid" (Canon 1086 of the new Code). And this is so, both in law and in truth; for he who desires marriage must also desire its essence. But the essence of marriage is perpetuity, which, if excluded by either spouse, even by an internal act of will, renders the marriage itself repugnant and null. Intention, being a mental act, does not operate in human actions; therefore, the act of will must be manifested externally. This is sufficiently manifested if one enters into marriage with a condition or agreement to have the marriage dissolved, so that otherwise, he would not enter into marriage; this condition, if imposed before the marriage and not retracted, is presumed to persist in the very act of celebrating the marriage (chap. ult., tit. V, lib. IV, Decret. Gregorii IX). But a necessary condition is not required; it is sufficient that the contracting party, by words or signs, before the marriage, explicitly and positively excludes the indissolubility. These things are certain among all. Some difficulty may arise in the case of those who do not follow Catholic doctrine, and who, through error of their own sect, e.g., Protestants, consider marriage to be dissoluble. According to Canon 1084 of the new Code: "A simple error concerning the unity of marriage, or its indissolubility, or its sacramental dignity, although it may be a cause for contracting, does not vitiate consent."

[*Latin ed. p. 217*]

The Roman Rota concerning "matrimonial" matters. Indeed, (as Benedict XIV writes in *De Syn. Dioec.,* "lib. XIII, cap. XXII"), precisely because non-Catholics, deceived by a vain error, "believe that the dissolution of marriage does not at all contradict the law of Christ," it follows that, in their minds, due to that false belief, the intention of entering into marriage according to such laws, or the tenets of their sect, does not exclude the primary intention of entering into marriage according to the divine law confirmed by Christ. Therefore, this will remains in the act of contracting, and from it flows and is determined the consent, which is actually given. This is true even if the error provides a cause for the contract, which is verified when the contracting party, who, through error, believes that marriage is dissoluble, would not enter into marriage if he knew it to be indissoluble. In that case, there would be a volitive interpretation, which has no effect in contracts. But if the error influences the will, and the contracting party explicitly and positively states that he intends to enter into marriage, even if dissoluble, according to what is in his erroneous mind, then the will, al-

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though proceeding from error, excludes the essential property of marriage and the presumption that the contracting party wishes to enter into the conjugal union as God instituted ceases. Now, to the facts. Olga de Laffert, in her introductory book, states that, despite the opposition of her parents, she declared to her mother, when she could not break off the engagement she had begun with Mr. Bartels: "I am marrying because I understand that I cannot do otherwise; I must do it, but only on the condition that you do not do anything against my divorce, and that you will take me back into the house again; I fear that this day will come soon." And she continues: "My mother assured me of this, and I, feeling that this man (Bartels) would never change, was determined to separate from him at the first opportunity that I believed he would soon provide, and precisely because of mutual antipathy. I expressed myself in this way to several people." However, what the plaintiff asserted, she did not conclusively prove, for if the procedural records are examined, there is a reasonable doubt about the opposite, which is sufficient, according to the Instruction of the Holy Office of 1883, § 39, so that a judgment against a marriage, which is a public and solemn act, should not be pronounced. In truth, at first, the Fathers stated that Olga's intention to obtain a cause for the nullity of her marriage should be considered, as well as her uncertainty in determining it. For first, she affirmed that she had been deprived of her freedom and had entered into marriage by force and fear. Then, she appealed to a defect in consent, which defect she amplified so much that she completely excluded it in the very celebration of the marriage: "In the ecclesiastical marriage, I did not..."

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis - Commentarium Officiale: "The intention of uniting myself with Bartels as a wife," but further on, in response to 20, she implicitly asserts that she had given her consent: "I had the intention of divorcing him; but if Bartels had changed completely so that I could be happy with him, then I would have stayed with him." Secondly, there are three letters in the records, in which Olga appears to have loved Charles, before entering into marriage with him. In the first, it is written: "I love you so much that I will do everything you ask, in order to repay your great love." In the second, she asserts such a strong desire to live with Charles that she is prepared to follow him wherever he goes: "It doesn't matter where I go, as long as I am not separated from you, my beloved; I would even go to 'Gumbine' or to 'another horrible country'." In the third, she confesses that her love for her fiancé has not diminished, but has increased. Indeed, these letters show: a) that it is not true what she stated in her third interrogation at 8: "No one has ever been able to observe any tenderness between us"; and b) that it is also false what is stated in the introductory document: "About 14 days before (the marriage), I expressed myself to my mother, saying that I was convinced that Bartels was not the man for

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me, and that I had a desire to break off the engagement." For since the marriage was celebrated on April 14, 1899, Olga could certainly not have written to Charles on March 2 of the same year: "Ah! Charles, there is truly nothing in the world greater than such love, as we experience it. I never believed that such a complete harmony of souls could unite us." To weaken the force of the aforementioned letters, the actress's lawyers state that she and her grandmother wrote them together. But this cannot be said of all the letters: for, besides the fact that the actress herself admits: "I wrote those tender love letters; in part I wrote them myself, in part with the help of my grandmother," some of them refer to events that exclude the intervention of others. Thus, in the first letter: "I am sitting here at mammina's desk, but often my gaze flies to that charming corner, where yesterday evening we spent a couple of hours so enchantingly on our sofa." It cannot be maintained that Olga simulated love in these letters. For there are free assertions that contradict this: a) The very words of Olga: "In his relationships with me, he had no tenderness or love, and he did not feel the need to embrace me or kiss me. I asked him for it, and he replied that such tendernesses were not fashionable in his family." But if she were simulating love, she would not seek kisses or embraces, nor would she be saddened that the person, or

[*Latin ed. p. 219*]

The Roman Rota, number 219, which itself does not favor, should abstain from the aforementioned manifestations of affection. It is objected that the determination of the date of the marriage celebration is in question. It is certain that a bride who is not moved by love for the groom will never request that the solemnity of the marriage be brought forward, but rather will employ all means to postpone the celebration. However, it is evident from the records that Olga not only did not request a postponement, but desired that the wedding day be celebrated on April 14th, rather than on the date that had been established, namely, April 16th of the same month. All of these things, when considered together, not only exclude that incurable antipathy of which the bride spoke at length, but also raise doubts about the prudent and positive intention of Olga to obtain a divorce, once she discovered that she could not live peacefully with her husband. The doubt is increased if one considers the testimony of the husband. Here, he testifies that Olga freely entered into the marriage. "My fiancée gave her consent to the engagement with decisive words... The relationship between myself and my fiancée was always very cordial... I can declare with full certainty that my wife never, during the entire duration of the marriage, appealed to the fact that she was forced to marry me." Regarding Olga's intention to obtain a divorce, he states: "Before the marriage, I never understood that my fiancée intended to divorce me... During the first two years of our marriage, as far as I remember, my wife never expressed the intention of

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divorcing me... The divorce, which was obtained so late, I explain only in the sense that such an intention did not exist before the marriage, nor in the first two years after the marriage." And he concludes: "This marriage was concluded entirely legally, and precisely also according to the principles of the law of the Holy Catholic Church." It is clear that this grave testimony of the husband should be preferred to the assertions of the wife, primarily because of the candid and unartificial narration of the facts, which was also noted by the Examining Judge, Dr. Kleineinden, who wrote: "The witness made a completely trustworthy impression." Secondly, it is evident from the fact that he harbored no hatred towards his wife, but rather declared that he was ready to comply with her wishes: "It is far from me," he said, "the thought of hindering Mrs. Olga from reuniting with a new marriage; on the contrary, I would be content if she could find a new home and find that happiness, which, according to her idea, she could not find with me. I am even ready, within my means, to help her in this." Olga, well aware of the force of the husband's testimony, gave him a letter on June 19, 1914, in which she threatened to reveal matters that would damage his reputation in Aversa.

[*Latin ed. p. 220*]

220 Acta Apostolicae Sedis - Commentarium Officiale, unless certain statements were retracted. However, Charles not only ceased these threats, but in a letter sent to H. S. T. on August 9, 1916, he declared: "Everything that Signora Olga von Spiegel, born von Laffert, states with the aim of proving the invalidity of her marriage concluded with me is false and aims only to make her second marriage appear valid." Nevertheless, the testimonies of witnesses remain to be considered. And first, Dr. Otho Hetzel, in response to question 4, states: "I know nothing of a decision (to institute a divorce) already made before the marriage, therefore I cannot say whether such a decision took place after the marriage." Five witnesses testified about Olga's intention to divorce, but they learned of this intention from Olga after she had entered into marriage with Charles, and therefore their testimonies have the same probative value as Olga's own testimony. Thus, Charles von Laffert, the actress's brother, states: "I only know that my sister had a firm intention to divorce before the marriage because she told me so after the marriage." And Johannes Mathusius states: "After her marriage, she (Olga) repeatedly told me; at every meeting, that she had already made the decision to dissolve the aforementioned marriage that had already been entered into." The same is true for Agnes Hoffmann and Ernest Rush. The remaining witnesses are relatives, servants, and those connected to the actress by friendship, and, what is more serious, all are adherents of the Protestant sect, according to which marriage is considered dissoluble under certain circumstances; therefore, there is reason to suspect that they themselves may have wished to deceive Olga, so that she could

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be legitimately bound to a noble and wealthy man. In particular, regarding the testimony of the actress's mother, Antonia von Laffert, she exaggerated the daughter's intention to institute a divorce to such an extent that she often contradicts herself. Thus, in response to question 13, she states that Olga "expressed herself almost every day in the sense that she would get a divorce," while the daughter states in her book that this occurred two weeks after the marriage. "About 14 days before, I expressed myself to my grandmother, and then also to my mother... that I would have the desire to dissolve the engagement, and only a few days before my wedding I told my mother: 'I am marrying... but only on the condition that you others do not do anything against my divorce.'" Furthermore, Olga declared to the judge that she had not manifested her intention to divorce in her letters "because my correspondence was always controlled by Bartels." On the contrary, the mother, when questioned, "Does she still have any letters from her daughter that could prove this durable and continuous intention to divorce?", replied: "She has written about it in her letters, but I have not kept those letters."

[*Latin ed. p. 221*]

The Roman Rota – 221. After all matters, both in law and in fact, have been duly and diligently considered, We, the undersigned Auditors of Tournon, sitting as a tribunal and having only God before our eyes, invoking the name of Christ, do hereby decree, declare, and definitively pronounce that there is no ground for declaring the marriage null in this case. We declare this, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to demand the execution of this our definitive sentence, and against those who resist, to proceed according to the Sacred Canons, and especially chapter 3, session 25, of the Council of Trent, concerning Reforms, employing those executive and coercive means which shall prove more effective and suitable for the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 27th of July, 1917. William Sebastiani, Dean, Presiding. Peter Rossetti. Raphael Chimenti. L. © S. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary.

[*Latin ed. p. 222*]

Acta Apostolicae Sedis - Official Commentary, DIARY OF THE ROMAN CURIA, HOLY CONGREGATION OF RITES. Tuesday, April 16, 1918, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Most Reverend and Most Illustrious Lords Cardinals, the Most Reverend Prelates, and the theological Consultors, who comprise the same, discussed and gave their vote first on the doubt concerning the "tuto" for the solemn Beatification of the Venerable Oliver Plunket, Primate of Ire-

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land and Archbishop of Armagh; and then on the doubt concerning two miracles which are asserted to have been wrought by God, through the intercession of the Blessed Gabriel of the Sorrowful, professed cleric of the Congregation of the Clerics Regular Unshod of the Holy Cross and Passion of Our Lord Jesus Christ, which miracles are proposed for the Canonization of the same Blessed.

SECRETARY OF STATE, BY ORDER.

With tickets from the Secretary of State, the Holy Father deigned to appoint:

April 5, 1918.

The Most Reverend Cardinals Andrea Feichtwirth and Oreste Giorgi, Members of the Supreme Sacred Congregation of the Holy Office.

The Most Reverend Cardinal Basilio Pompilj, General Vicar of His Holiness, Protector of the Institute of the Sisters of the Assumption.

With Apostolic Briefs, the Holy Father deigned to appoint:

April 1, 1918.

Msgr. Giovanni Augusto Francesco Eutropio Eyssautier, Bishop of La Rochelle, as Assistant at the Papal Throne.

[*Latin ed. p. 223*]

From the Roman Curial Diary:

Protonotaries Apostolic, participating in the same manner: 27, March, 1918. Monsignor Giuseppe Edoardo Bourret, of the diocese of Nicolet.

Monsignor Camillo Rasimelli, of the archdiocese of Perugia.

Domestic Prelates of His Holiness:

October 22, 1917. Monsignor Dionigi Fouhy, of the archdiocese of Brisbane.

December 17. Monsignor Garret P. Murphy, of the diocese of Winona.

Monsignor Ottone Zachmann, of the same diocese.

Monsignor Giacomo Pacholski, of the same diocese.

April 12, 1918. Monsignor Giovanni Rho, of the archdiocese of Turin.

April 16. Monsignor Domenico Gualtieri, of Rome.

April 17. Monsignor Enrico Pezzani, of Rome.

April 18. Monsignor Francesco Dittrich, of the archdiocese of Breslau.

April 25. Monsignor Sigourney W. Fay, of the archdiocese of Baltimore.

HONORS

By Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class, Commander:

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March 6, 1918. To Mr. Casimiro Rigaud, of the archdiocese of Aix.
To Mr. Carlo Giuseppe Magnan, of the archdiocese of Québec.
The Order of Saint Gregory the Great, civil class, Knight:
April 6, 1918. To Mr. Michele Kaufmann, of the archdiocese of Colonia.
The Order of Saint Sylvester Pope, Commander:
April 5, 1918. To Mr. Luigi Oster, of the archdiocese of Colonia.
The Order of Saint Sylvester Pope, Knight:
April 5.
April 8.
April 12.
1918. To Mr. Egisto Belletti, of the archdiocese of Cesena.
To Mr. Francesco Bessel, of the archdiocese of Colonia.
To Mr. Giacomo Weismantel, of the same archdiocese.
To Mr. Costantino Hamm, of the same archdiocese.
To Mr. Andrea Sellini, of Rome.

[*Latin ed. p. 224*]

Acts of the Apostolic See - Official Commentary

MAGGIORDOMATO DI SUA SANTITÀ

With notes from His Excellency, Monsignor Rúa, Chamberlain, the Holy Father has deigned to appoint:
Extraordinary Secret Chamberlains to His Holiness:
November 3, 1917.
Monsignor Stefano Csaszik, of the diocese of Neosolio.
Monsignor Ludovico Grone, of the same diocese.
December 31.
Monsignor Giovanni Hejtmánek, of the diocese of Königgratz.
Monsignor Francesco Proschwitzer, of the same diocese.
January 17, 1918.
Monsignor Emilio Pelikan.
April 16.
Monsignor Giulio Ciccioni, of the archdiocese of Perugia.
Monsignor Vincenzo Raschella, of the diocese of Gerace.
Monsignor Giuseppe Piccolo, of the same diocese.
April 17.
Monsignor Mattia Kinn, of the diocese of Treves.
Extraordinary Chamberlain of Sword and Mantle to His Holiness:
January 10, 1918.

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The Baron Ermanno De Tinti, of the diocese of Linz.

Honorary Chamberlain in purple vestments to His Holiness:

April 6, 1918.

Monsignor Vincenzo Séstito, of the diocese of Squillace.

NECROLOGY

April 24, 1918.

Monsignor Giuseppe Métrau, Bishop of Tulle.

Monsignor Giuseppe Passerini, Titular Bishop of Acanto, Apostolic Vicar of Southern Scensì.

[*Latin ed. p. 225*]

Year X - Vol. X, June 1, 1918, No. 6. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. ACTS OF POPE BENEDICT XV. BY PAPAL DECREE, A MASS TO BE CELEBRATED ON THE TWENTY-NINTH DAY OF THE MONTH OF JUNE, FOR THE NEEDS OF SOCIETY AND THOSE PRESENT. BENEDICT XV. The fourth year is drawing to a close since, as Europe began to be ravaged by war, the greatest burden has been imposed upon Us in Our pontificate; and throughout this entire period, as We have never ceased, indeed, it has increased, the fury of the conflict, so that not a single moment has Our mind been relieved from the acute concern and solicitude with which We are afflicted by so many and such increasing evils. Having observed and considered, without interruption, this series and continuation of most grievous events, We have not only lamented all the sorrows, so that We may truly take up the words of the Apostle: "Who is weak, and I am not weak? Who is scandalized, and I am not scandalized?" but also, concerning those things which conscience admonished, which were divinely attributed to Us, and the charity of Jesus Christ suggested, We have never left anything undone, as far as We were able. Now, indeed, We are in that condition of times, so that spontaneously arises the memory of that King, Josaphat, who, in the midst of great distress, cried out: "Lord God of our fathers, You are..." ACTS, vol. X, n. 6. - 1-6-1918. 15

[*Latin ed. p. 226*]

"God is in heaven, and rules over all the kingdoms of the nations; in thy hand is power and strength, and no one can resist thee... We will cry out to thee in our tribulations, and thou wilt hear us... and thou wilt save us... O God, our God... when we do not know what to do, we have nothing left but to turn our eyes to thee" (2 Paralipomenon, xx, 6-12). Therefore, casting aside all our anxieties upon Him, to whom the wills of men and the events of things are subject, we expect that He, who heals by chastising and preserves by forgiving, will quickly bring an end to these great sorrows, and that, restoring order to things with His peace, He will restore the king-

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dom of justice and charity among men. But first of all, God, angered by so widespread a defiance of sin, must be appeased; and this is done through humble and suppliant prayer, which we know can accomplish much, if it is offered with confidence and perseverance. Indeed, nothing is more efficacious in appeasing the divine majesty than the most holy Sacrifice of the Eucharist, in which He Himself is offered to the MSS, who "gave Himself a redemption for all, a testimony in due times." And rightly, the Church has established a law for the pastors of souls, that on certain days, having been entrusted with the care of their people, they should offer the holy sacrifice: especially on those days when the most pious Mother desires to conciliate divine clemency for the needs of her children. Since, of all the things that these times require, the greatest is that human society may once again enjoy concord and tranquility, We have considered it most opportune that the sacred pastors, on a certain and special feast of the Church, should offer the divine sacrifice with Us for this purpose. Therefore, by a Motu Proprio, We decree that on the 29th day of the next month of June, on the feast of the holy Apostles Peter and Paul, who are the guardians and the foundations of the Christian people, those who are obliged by their office to celebrate Mass for the people, should celebrate it according to the intention We have expressed. Furthermore, let it be known to the rest of the clergy that it will be most pleasing to Us if, on the same day, those who offer the holy sacrifice should also join their intentions to Ours. Thus, with the entire Catholic priesthood...

[*Latin ed. p. 227*]

Acts of Pope Benedict XV, so that, in every place and part of the world, we may offer sacrifice together with you, there is greater hope of obtaining it from divine goodness, so that, at last, it may be accomplished that which is most desired by all: Justice and peace have embraced. Given in Rome, near the blessed Peter, on the ninth day of the month of May, in the year of our Lord 1918, in the fourth year of Our Pontificate. BENEDICT XV. LETTER I TO THE REVEREND FATHER ALEXANDER ROSQUE, ARCHBISHOP OF THE ECCLESIASTICAL PROVINCE OF VARSAVIA, AND TO THE OTHER BISHOPS. Venerable brothers, greetings and the apostolic blessing. — In the midst of the greatest difficulties and anxieties caused by this war, which daily intensifies, as if fueled by a new fire, we are permitted, by the goodness of God, to find some solace, in the hope that, when this great mass of miseries is finally dispelled, it will have a favorable outcome for the Catholic name and for the eternal salvation of men. Indeed, we have received with great pleasure the letters which you sent to Us on the eleventh day of the month of December of the past year; for in them you have most amply professed your piety and obedience towards Us, and you have informed Us of the most important deliberations which were held in the Episcopal assembly in Warsaw on that very day, concerning the

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establishing of the Catholic religion in the Kingdom of Poland in a new order. To no one, indeed, not even to Us, could there be any doubt of the closest connection between you and Us, since it is well known that you have always remained steadfastly united with the Apostolic See, even in the most difficult circumstances; nevertheless, we have valued all the more the recent expression of your zealous devotion towards Us, because it occurs at a time when the growth of public benefits and the full and complete freedom of the ancient faith seem to be maturing for the Polish Catholics. You are undertaking a very serious and laborious task, to which you must strive with all your strength, setting aside any difference of opinion; for if...

[*Latin ed. p. 228*]

Acts of the Apostolic See - Official Commentary 228. Those who conspire with one heart and mind to pursue a project will find that, with God's help, their common efforts will bring abundant benefits to the faith. In order that we may publicly demonstrate the special care and benevolence with which we follow your work, and in order to receive the vows you offer, we have decided to send to you, to represent Us, Our beloved son, Achilles Ratti, Apostolic Protonotary and Prefect of the Vatican Apostolic Library. To him, as Apostolic Visitor, ecclesiastical matters pertaining to you will be entrusted; and we command him to examine what the Catholic cause needs among you, in terms of counsel, resources, and remedies, and to arrange, as he deems most appropriate, to be a partner and associate in your endeavors. Thus, as a representative between the Apostolic See and the Bishops of Poloniae, he will be able to signify to us your desired outcomes, and to communicate our sentiments to you more easily; from which it will undoubtedly follow that the restoration of affairs you have undertaken will be accomplished according to Our and your intentions. Furthermore, it is unnecessary for us to commend to you a man whose piety, devotion to religion, experience, and teachings, widely known to all, sufficiently and abundantly commend him; nevertheless, you should know that we place great trust in him, so that we are confident that his services will be of great benefit to your Churches. But since the plans of men are powerless unless they are aided by the grace of Almighty God, we implore Him with prayers to illuminate and guide your minds with the gifts of heavenly wisdom; and, as a pledge of our hopes and reconciliation, and as a witness to our paternal charity, we impart to you, venerable brothers, and to your clergy and people, the Apostolic Blessing in the Lord. Given at Rome, near the blessed Peter, on the twenty-fifth day of the month of April, in the fourth year of Our Pontificate, BENEDICT XV. TO THE MOST REVEREND D. WILLIBRORD BENZLER, BISHOP OF METENSEM, REGARDING SERVICES RENDERED. Venerable brother, greetings and the Apostolic Blessing. — We have observed with pleasure the sentiments expressed in your letter, which you sent to Us on recent days. On the occasion of the feast of Saint

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Benedict, you have prayed to God for all blessings for Us, and for those things that...

[*Latin ed. p. 229*]

229 The acts of Pope Benedict XV during this time of war show that you, in your diocese, undertook and persevered in works of charity, so that you might demonstrate how readily and with what grateful spirit you pursue such endeavors. May all possess this same intention, and may they not believe that they have received evil in the benefits conferred upon them by Us! – You also recounted the inconveniences that your diocese suffered as a result of this same war; but, as is fitting, you mitigated the sadness with joyful news, offering considerable consolation to those you informed about the discipline of your clergy, especially concerning their steadfastness in enduring the calamities of the war itself. Truly, God is faithful, who does not permit anyone to be tempted beyond what he is able, but with the temptation also provides a way of escape! – While considering your letter and the sorrow of you and your faithful, we implore God that these harsh things, which have been pressing upon you for so long, may turn to milder times. To you, venerable brother, for whose services we are sincerely grateful, and to the entire diocese of Metz, we impart our most loving apostolic blessing, a testament to the favor of heaven and Our benevolence. Given in Rome, at St. Peter's, on the twenty-fifth day of April, in the fourth year of Our pontificate, 1918. BENEDICT XV. TO ANTONIUS S. R. 13, CARDINAL, AND OTHER BISHOPS, PRAISING THEIR DILIGENCE. WRITING TO MENDES, THE PATRIARCH OF LUSITANIA, CONCERNING THE ULYSSIPONENSEM.

Beloved sons and venerable brothers, greetings and the apostolic blessing. – In these harsh times, a letter arrived from you, which you sent last February from the assembly at Solaize, so that you might testify to your obedience to this Apostolic See, filled with faith and piety. In it, we were also pleased to learn of your grateful sentiments regarding the recently promulgated Code of Canon Law, from which a great abundance of the best fruits is expected in matters pertaining to ecclesiastical discipline and the salvation of souls. But we were particularly pleased to hear that the condition of the Catholic faith in Lusitania has begun to improve; a condition that had long caused good men to be anxious and concerned. For these seven years, the sacred rights of the Catholic religion...

[*Latin ed. p. 230*]

230 Acta Apostolicae Sedis – We have witnessed the contempt and violation of [the rights of] the Church: not only has the Portuguese people, for the great majority of whom are Catholic in faith and devoted to this Apostolic See, been separated by a nefarious law concerning the Church and the State, but hatred has even gone so far as to prevent the Church,

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driven to intolerable distress, from exercising the divine cult itself. These are, indeed, the most serious inconveniences that have befallen the religious of Lusitania because of that law, strictly limited in its application. However, we have never considered such a state of affairs, established by force, to be permanent; nor have we despaired that the condition of the Catholic Church among this beloved nation would be improved. This hope was confirmed, above all, by the fervent devotion to the Immaculate Virgin, by which this part of the Lord's flock is so distinguished: a devotion that merits the singular help of the Divine Mother. Also, there was for us a good reason to hope, because you, enduring so much for God and for justice, have always given clear proof of Christian pastoral care and fortitude; and your prudence is demonstrated, especially in the pastoral letters commonly issued on January 20th of the past year, of which you have made mention. Now, therefore, encouraged by what you have written, we are confident that, with all the clergy and the faithful people following your persevering efforts with concordant zeal, and with others, who have been freed from prejudiced opinions, also joining in, and with the help of the Immaculate Virgin invoked above all, the Church will quickly be restored to its former dignity, and will freely exercise its sacred rights and enjoy its own prerogatives. This, indeed, will contribute greatly to the full and perfect reconciliation between the State and the Church, which is desired by everyone, and which would bring greater prosperity and well-being to the Portuguese people. As a pledge of divine graces and of Our special benevolence, We impart, with great affection, the apostolic blessing to you, Our beloved sons and venerable brothers, and to all of Lusitania. Given at Rome, near St. Peter, on the twenty-ninth day of the month of April, in the year 1918, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 231*]

Acts of Pope Benedict XV, in the fourth year of his pontificate, addressed to Father Lawrence Janssens, Abbot, concerning the volume "On Human Nature," recently published for the benefit of students.

Beloved son, greetings and the apostolic blessing.

From the series of volumes, in which the Summa Theologica of Saint Thomas is presented with commentaries for the benefit of students, the seventh, which is "On Human Nature," recently published and piously offered to Us, has been gladly received. In examining it, as far as Our occupations permitted, We recognized therein those qualities which We know to be present in your other writings: namely, a wealth of material, collected from a great variety of disciplines, and explained with clarity, so that the sincere doctrine of Aquinas is excellently suited for illuminating and defending those things which have been revealed by God, as these times require. Therefore, We rejoice that you have become that kind of man which We foresaw you would be, even from your days as a student at the Gre-

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gorian Athenaeum, where you were engaged in studies of sacred theology. Continue, therefore, with zeal, as you have begun, in the remaining tasks, so that you may encompass the entire body of this discipline in your writings. Thus, you will add to the merits you have already earned for the sacred youth; and We are confident that this labor will be very fruitful. We bestow upon you, beloved son, with particular benevolence, the blessings of heavenly gifts and the apostolic blessing.

Given at Rome, near the blessed Peter, on the twenty-ninth day of the month of April, in the fourth year of Our pontificate.

BENEDICT XV.

To the Reverend Father Richard Coepta Tierney, Moderator, of the Sacred Scriptural Publication "America," in its tenth year, published weekly for the common good.

Beloved son, greetings and the apostolic blessing.

This is the tenth year since the weekly publication "America," which you direct, first appeared, adding to those things which are divinely inspired...

[*Latin ed. p. 232*]

232 Acta Apostolicae Sedis – The official records provide information to the Catholic Church concerning matters in the United States. Indeed, we have always considered the dissemination of periodicals and written works to be a most effective means of shaping public opinion; and since the wicked abuse this method to spread ideas that corrupt minds and hearts, it is fitting that good men should also use the same method to spread whatever is holy, worthy, and honorable. With this in mind, you have undertaken this work, so that you may both illuminate Catholic principles and institutions with wisdom, and defend them from all attacks, both promptly and effectively. We commend you for having consistently adhered to the purpose you initially set forth, and for the great benefit you have brought to the citizens, especially to Catholics. We also desire that you continue, according to your custom, to strive for the best in all matters concerning the Catholic faith. Furthermore, those who know well how important it is to have a standard of thought and action, lest the precepts of the eternal law, upon which the salvation of states rests, be obscured by more intense contention and zeal, we wish to assist you in every way possible, so that the benefits of your institutions may be extended more widely. And we invoke divine blessings, which, with paternal benevolence towards you, we most earnestly bestow upon you, beloved *son*, and upon the associates and helpers of this work, with great affection. Given at Rome, near St. Peter's, on the fifth day of the month of May, in the year 1918, in the fourth year of Our Pontificate. BENEDICT XV. TO JOSEPH, CARDINAL OF THE HOLY ROMAN CHURCH, ARCHBISHOP OF FRANCICA-NAVA, WHO

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HAD CONVENED THE SYNOD OF CATANIA. Beloved Son, greetings and the Apostolic Blessing. – You have wisely decided to convene a Diocesan Synod, after a lapse of 250 years since the last one held here. Indeed, since you have long desired this, and with pastoral diligence, it was fitting that you postpone this matter until now, so that, with the promulgation of the Code, those things that are entirely in accordance with Canon Law may be established in the Synod. You do not undertake this important task unprepared; indeed, we have clearly seen that you have done everything necessary for the successful outcome of this matter. But the good prospects of the excellent fruits that will result give us great hope.

[*Latin ed. p. 233*]

233 The acts of Pope Benedict XV, with your prudent exploration and those matters pertaining to you, demonstrate a profound unity among your clergy from every order. Therefore, undertake this sacred work with a cheerful spirit, strengthened by the support of your brethren. And we, in turn, will not fail to pray to God that His grace may be with you all. And as a witness to the heavenly gifts and Our benevolence, may the apostolic blessing, which We, with the greatest affection in the Lord, impart to you, beloved son, and to all those who were present at these gatherings, be with you. Given in Rome, near St. Peter's, on the tenth day of the month of May, in the fourth year of Our pontificate, 1918.

BENEDICT XV.

TO THE REVEREND FATHER LEM, PAUL, DIRECTOR OF THE SALESIAN HOUSE OF MARY AUXILIATRICE IN TAURINENSIS.

Beloved son, greetings and the apostolic blessing.

To all those who belong to the Salesian Institute, as well as to your helpers and friends, a doubly auspicious day will occur on the ninth day of the next month of June, for it is on that day that the church of Mary Auxiliatrice in TAURINENSIS will be solemnly dedicated, and you yourself, beloved son, have initiated this divine work. Indeed, the Divine Mother has been present with your congregation from its very beginnings, carefully fostering its venerable founder, and has always provided timely assistance to it, especially placing her benevolence towards you in that temple as its principal seat. For there, the best and most important plans were conceived, which were destined for the perpetual growth of your works; there, they were religiously guarded and nurtured, guided by the ardent charity of John Bosco; from there, other outstanding members emerged, who either properly educated young people or spread the Christian name among the barbarians; and finally, from there, a perennial abundance of heavenly blessings flowed throughout the entire Salesian family. Therefore, you are justified in saying that all the feasts of your

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association are dedicated to Mary Auxiliatrice. It is a happy coincidence that the anniversary of this church and of your priesthood are celebrated together. Indeed, you have contributed greatly, throughout this time, with your counsel, your studies, and your work, for the good of this society, which was scarcely begun.

[*Latin ed. p. 234*]

234 Acta Apostolicae Sedis - The official record, through which you diligently manage the entrance and the now wonderfully and universally expanded work, we observe. Therefore, since all your members, venerating their common Patron, will offer you various expressions of love from all sides, it is most pleasing to us to precede those who offer congratulations to this gathering, for we desire to be, along with the entire Church, most closely united with the present help of the Mother of God, and we rightly cherish the Salesian sodality. And we fervently hope that it may serve you, as its director, for many years, preserving you and keeping you safe. We bestow upon you, dear son, and upon all who participate in and support your sodality, our most loving apostolic blessing, as a testament to the heavenly gifts and to the paternal benevolence of Our own. Given in Rome, at Saint Peter's, on the tenth day of the month of May, in the fourth year of Our Pontificate. BENEDICT XV MCMXVIII.

[*Latin ed. p. 235*]

ACTS OF THE SACRED CONGREGATION CONSISTORIAL

SACRED CONGREGATION CONSISTORIAL

I. OF THE ERECTION OR RESTORATION OF THE CATHEDRAL CHAPTER OF DROMORE.

DECREE.

At the request of the Bishop of Dromore, so that, in order to increase the splendor of the divine worship in his cathedral church, and also to establish a senate of worthy priests for himself, the cathedral chapter might be erected or restored there by apostolic authority; His Holiness Pope Benedict XV, considering this to be opportune, judged it fitting to favorably grant the presented petitions.

Wherefore, the same Holiness, by the fullness of apostolic power, and with the necessary provisions, and with the consent of those who are concerned or who ought to be concerned in the matter, erects and establishes, or restores, by this Consistorial decree, the aforementioned chapter in the cathedral church of Dromore, consisting of two dignities: that of Dean and

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Archdeacon, and two offices: that of Theologian and Penitentiary, and five simple canons, and grants to it all the rights, privileges, and exemptions which belong to other cathedral chapters, especially in Ireland, by law or legitimate custom.

Since the presbyters are occupied with other ecclesiastical duties, especially the care of souls, and moreover, at present, there is a lack of suitable canonical benefices, His Holiness, until the number of erected canonical benefices has been increased to a suitable number, exempts and dispenses those chapter members from residence in the episcopal city and from choral duties, except on a few more solemn days determined by the Bishop; nevertheless, the Bishop retains the power to summon the same canons whenever he judges it opportune for the affairs of the diocese or of the chapter, concerning which, according to the prescriptions of the sacred canons, the opinion of the chapter must be sought.

[*Latin ed. p. 236*]

236 Acta Apostolicae Sedis - Official Commentary. Furthermore, Holiness commands that the collation of canonries be done according to the course of law, with the reservations established in the Code (chapter III, title XXV), after the benefices have been established; meanwhile, however, provided that the lack of established benefices persists, the Bishop freely confers these canonries as he judges expedient in the Lord, except for the dignities of Dean and Archdeacon, the collation of which will always be reserved to the Holy See, and not just this first time. Moreover, it must always be observed that ecclesiastical men, before receiving possession of their benefice, make a solemn profession of faith and an oath against modern errors, according to the established formulas. Finally, since it seems opportune that those who are admitted to the Bishop's council and senate should also be distinguished in some way from others, the same Most Holy Lord willed that the dignities and canons of Dromore may wear the insignia and canonical vestments in the choir, which are used by the canons and dignities of other cathedrals of the ecclesiastical province of Armagh. In all other matters, Holiness desires that the prescriptions of common law be observed, and in the first place, those of the Council of Trent. To all of these things, Holiness has deigned to entrust the execution to the present Bishop of Dromore, granting him all the faculties necessary and opportune for this purpose, including the power to delegate anyone holding an ecclesiastical dignity, provided that the same person sends an authentic copy of the completed execution to this Consistorial Congregation within six months. Concerning these matters, the same Holiness has ordered that a Consistorial decree be issued, which will be valid as if Apostolic letters were sent under the seal, notwithstanding any contrary provisions, with special mention being made of this. Given at Rome, from the Secretariat of the same Sacred Congregation, on the 25th of April, 1918.

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[Signature] C. CARD. DE LAI, Archbishop of Sabina, Secretary.
[Signature] L. S. F. V. Sardi, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 237*]

Sacred Congregation Consistorial, Decree Concerning the Attendance of Clergy in Secular Universities. No member of the sacred clergy may attend the faculties of secular universities, nor pursue any profane studies therein, without the will or approval of his own Bishop. This is clearly deduced from the prescriptions of the Code of Canon Law. Nor is this arrangement a new or recently introduced one. Indeed, both Leo XIII and Pius X, may God grant them eternal rest, explicitly decreed this; one through an Instruction dated July 21, 1896, issued by the Sacred Congregation of the Eastern Churches and addressed to the aforementioned Pontiffs, which begins with the words "Perspectum est Romanis Pontificibus," and the other in the Encyclical *Pascendi* dated September 7, 1907, as well as in the Motu Proprio dated September 1, 1910, which begins with the words "Sacrorum Antistitum." From this, it is clear that the entire matter of attending secular universities is placed within the jurisdiction and power of the Bishops, and that there are no lacking regulations by which they are guided in this matter. However, since some local Ordinaries have inquired about the norms by which they should proceed in this regard, and since great caution must be exercised to avoid the distinctions that, through long and bitter experience, have proven detrimental to both the sanctity of life and the purity of Catholic doctrine among priests who attend secular universities; His Most Holy Lordship, Benedict XV, after due deliberation within the Sacred Congregation Consistorial, and with the advice of its Fathers, confirming the aforementioned ordinances of his predecessors, Leo XIII and Pius X, and declaring that they remain in full force, has furthermore decreed and ordered the following to be promulgated in his name:

1. No one shall be assigned to the faculties of secular universities unless he has already received the priesthood, and he gives good hope that, through his manner of acting, he will bring honor to the ecclesiastical order, with the strength of his intellect and perspicacity, which he will enhance with the sanctity of his morals.

2. The Bishop, when assigning his priests to attend secular universities for study, shall have in view nothing other than the necessity or utility of his own diocese, such as the need to provide suitable teachers in institutions dedicated to the education of youth.

3. Those priests who, according to this norm, are assigned to attend secular universities, if they are novices, shall not be excused from the examinations prescribed in canons 130 and 590, but rather shall be required to undergo them, or even more strictly, lest, being distracted by the study of profane sciences, they neglect their ecclesiastical studies, contrary to the

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prescription of canon 129.

[*Latin ed. p. 238*]

Acts of the Apostolic See - Official Commentary, Part 4. Once the prescribed courses of study have been completed in any secular university, priests must know and remember that they remain entirely subject to their Ordinary and dedicated to the service of the diocese, just as before, even after being released. Therefore, it will not be permissible for anyone to undertake secular teaching positions or other offices of their own accord, especially against the will of their Ordinary; and if anyone does so, let them be punished with appropriate penalties, without excluding suspension from divine duties. 5. These provisions, which apply to the secular clergy, are also to be applied to religious, regular and secular, with appropriate modifications. Given in Rome, from the offices of the Sacred Congregation of the Council, on the 30th of April, 1918.

[Signature] C. CARD. LAI, of the Diocese of Sabina, Secretary.

[Signature] V. SARDI, Archbishop of Caesarea, Assistant.

III. DECREE CONCERNING THE SPIRITUAL CARE OF SOLDIERS IN THE FRENCH ARMY.

In order to provide better spiritual guidance to clerics who are serving in the French Army, either as soldiers or in the capacity of chaplains, as has already been done with those serving in the French land army by a decree of November 19, 1917, His Holiness, Pope Benedict XV, has decided to appoint an Inspector for all of them; and by these letters of the Sacred Congregation of the Council, he has appointed the Most Reverend Felicissimus Guillibert, Bishop of Foroiulien and Toulon, with the ordinary power to direct and govern all priests and seminarians, while they are serving in the French Army, in all matters pertaining to the care and governance of souls, as if he were their own Ordinary, according to the tenor of the sacred canons. Therefore, all seminarians and priests, who are present in the French Army, for any reason whatsoever, shall render due reverence and obedience to the aforementioned Inspector, in all matters pertaining to the care and governance of souls, recognizing him as their Ordinary. All contrary provisions to the contrary notwithstanding.

Given in Rome, from the offices of the Sacred Congregation of the Council, on the 30th of April, 1918.

[Signature] C. L. CARD. DE LAI, of the Diocese of Sabina, Secretary.

[Signature] V. SARDI, Archbishop of Caesarea, Assistant.

[*Latin ed. p. 239*]

Sacred Congregation of the Council of Mele Vita, for the Provision of Churches.

By the decrees of the Sacred Congregation Consistorialis, His Holiness,

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Pope Benedict XV, has provided for the following churches, namely:

April 19, 1918. — To the cathedral church of Cuzco, he appointed the Reverend Father Peter Paschasius Farfan, formerly the Bishop of Huaraz.

April 25. — To the metropolitan church of Lanciano, he appointed the Reverend Father Nicholas Piccirilli, formerly the Archbishop of Compsa and Campagna.

May 1. — To the metropolitan church of Philadelphia, he appointed the Reverend Father Dionysius Dougherty, formerly the Bishop of Buffalo.

May 11. — To the cathedral church of Trenton, he appointed the Reverend Thomas Walsh, Chancellor of the Buffalo church, and rector of the church of Saint Joseph in that same city.

May 17. — To the cathedral church of Saint Christopher of Laguna, he appointed the Reverend Gabriel Llompart, a priest of the diocese of Majorca, and there a canon.

May 18. — To the cathedral church of Gades, he appointed the Reverend Martial Lopez Criado, a priest of the diocese of Cordoba, and there a lector canon.

SACRED CONGREGATION OF THE COUNCIL OF MELE VITANA, FOR THE PROVISION OF CHURCHES.

April 21, 1917.

FACT. — The beginning of this controversy was reported to this Sacred Congregation by the Bishop of Mele Vita himself, in letters dated February 15, 1916, in which he briefly stated that, from time immemorial, the visiting Bishop of the episcopal city, commonly called Notabile, with its suburb, commonly called...

[*Latin ed. p. 240*]

Acta Apostolicae Sedis - Official Commentary 240. On a Saturday, in which there is a church of St. Paul outside the walls, the Archpriest of the Cathedral customarily used to provide or deliver a calf (as it is also customary for a calf to be provided in similar circumstances by the Archpriests of the collegiate churches of Valletta and Vittoriosa), and it was stated that recently the place called Rabato had been separated from the territory of the Cathedral parish and the aforementioned church of St. Paul outside the walls had been erected into its own parish. The Bishop informed the current Archpriest of the Cathedral that he considered himself to be exempt from the obligation to provide the calf, notwithstanding the fact that his predecessor had fully satisfied this obligation, once and again, after the separation of the parish. Therefore, in order not to appear to be rendering judgment in his own cause, the Bishop, after considering all that he deemed relevant to the matter, submitted the question for resolution to this Sacred Order, asking: 1) Whether the aforementioned custom should be maintained, and if so, affirmatively; 2) Whether, considering the separation

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of the church of St. Paul outside the walls from the Cathedral parish, the obligation to provide a calf to the visiting Bishop rests with the Archpriest of the Cathedral church, or with the pastor of St. Paul outside the walls, or with both jointly and severally? The argument presented by the Archpriest of the Cathedral is as follows: The calf in this case can only be understood as a provision, or a supply of food, which is due to the visiting Bishop according to the norms of the Council of Trent, and is distinct from any offerings, or gifts, of any kind, or gratuitous gifts (c. 3, sess. XXIV, de ref.). But, according to numerous resolutions of this Sacred Order, provisions are not due from churches visited in places where the Bishop has his residence; hence, the provision of a calf in this case must be interpreted as sufficient to provide the Bishop with the food due for the visit to the church of St. Paul located in the suburb. However, since the Archpriest of the Cathedral is no longer the pastor of this church, he has been freed or exempted from the attached obligation. In summary: SYNOPSIS OF THE DISPUTATION. The origin and cause, or the title, of this provision is entirely unknown; nevertheless, the title must necessarily be sought, for it is only by recognizing it that the question of whether the Archpriest should continue to provide the calf depends: for if the title which previously obligated the Archpriest is now lacking, the obligation certainly ceases. But, considering all the circumstances, no title can be found or assigned to this provision, except for the title of provisions, or rather, of food, due to the Bishop during his visit. This is primarily demonstrated by the fact that, according to the testimony of the Bishop, the calf was always paid to the Bishop.

[*Latin ed. p. 241*]

241 The Holy Congregation of the Council, during the visitation of the city of Notabile with its suburbs, notes that if the bishop requests a similar offering from two collegiate churches, one in the city of Vaux and the other in the city of Vittoriosa, this is clearly confirmed, since he willingly accepts the offering in both cases, as was the case in our instance, during the occasion of the sacred visitation. Indeed, during a sacred visitation, nothing can be given by those being visited, nor accepted by the bishop, under any title or name whatsoever, except only for provisions, which are commonly called "procurations." "Let them beware," it is read in Council Session XXIV, chapter 3, "that neither they themselves, nor any of their number, accept under any pretext whatsoever, for the sake of the visitation, or under any other name, neither a sum of money, nor any gift of any kind, even if offered in any way; let them not accept it, notwithstanding any custom, even if it be ancient; 'except for provisions, etc.'" Therefore, if, as the bishop states, the origin of this offering is unknown, yet it is certain that it is made only on the occasion of the visitation, and it is clearly established by law that only provisions can be given on this occasion, it is clearly concluded that the origin of this offering lies in provisions; for if it were illicit, it would

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be necessary to seek a lawful origin for this offering, one that is in conformity with the sacred canons, rather than one that is illicit and reprobated. Furthermore, no other suitable title can be assigned to this offering. For the titles by which a bishop can demand a contribution from his subjects, as found in the sources of law and in common teaching, are reduced to the following: the "cathedraticum" or "synodaticum"; the "seminaristicum" or "alumnaticum"; a charitable contribution; and the canonical "procuration" and the taxes of the episcopal chancery, which are usually included under the name of diocesan law. But the taxes of the chancery cannot be the subject of inquiry in this case, nor can the "seminaristicum," since we are not speaking of a donation to the fund of the seminary, but of a contribution made in favor of the bishop himself. A charitable contribution is also excluded, since this is requested only occasionally in the public necessity of the Church, for example, for the repair of the cathedral church. Furthermore, the bishop himself denies that the "cathedraticum" is the issue in this case, and gives three reasons: that otherwise it would have to be requested from each benefice and church, according to chapter 16 of the decrees; that it would have to be paid in money; and that it could not be demanded during a visitation; and these reasons are all true and valid (Cf. Benedict XIV, De Synodo dioec., lib. V, cap. 6). Therefore, only the canonical "procuration" for the visitation remains to be considered. For if it were an offering independent of any canonical title, this would not be approved by the bishop, and it is unlikely that archpriests of cathedral churches would have begun such a practice without any canonical title (ACTA, vol. X, n. 6, 1-6-918).

[*Latin ed. p. 242*]

242 Acta Apostolicae Sedis - Commentarium Officiale: Liberaliter episcopo vitulum offerre, et intendisse insuper se et successores ad illam praestationem semper faciendam obligare. Quo posito, nempe praestationem vituli, in casu, rationem habuisse procurationis, seu potius victualium, superest inquirendum pro qua visitatione illa fuerit persolvenda: haec autem quaestio expeditissimè est solvenda: enimvero Archipresbytero imminebat in primis onus curae animarum de paroecia Cathedralis, sed insimul eidem commissa fuerat ab antiquo cura paroeciae S. Pauli extra moenia, loci Rabato. Iamvero nihil aliud vendum esse Episcopo visitanti ecclesiam cathedralem, sicut alias ecclesias, loca pia, et clerum civitatis in qua Episcopus sedem habet, resolutum saepius fuit ab hac S. Congregatione, teste Pallottini, Collect. Resol., vol. IX, pag. 494 s.: immo per se, nec in visitatione paroeciae suburbanae debentur Episcopo victualia, nisi a civitate ubimoratur Episcopus saltem tertio milliario (cf. Pallottini, 1. c, p. 496 s.). Ergo praestatio vituli rationem habere nequit in casu nisi procurationis / seu victualium, debitae Episcopo pro visitatione ecclesiae S. Pauli, non autem Ecclesiae Cathedralis. Ostenso autem in casu

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quaestionem esse de tali procuratione, in praesenti controversia dubium iuris est facilis solutionis. Ab archipresbytero nempe ecclesiae Cathedralis praestabatur vitulus Episcopo accedenti ad visitandam paroeciam S. Pauli extra muros, quamdiu haec erat unita ecclesiae Cathedrali. Facta dissolutione illius unionis, per erectionem ecclesiae S. Pauli in paroeciam independentem, Archipresbyter Ecclesiae Cathedralis iam non tenetur solvere procurationem Episcopo visitanti ecclesiam ad eum nullo titulo pertinentem. Procuratio namque solvenda est a visitatis, non ab aliis; iam vero, facta separatione paroeciae S. Pauli, dum haec visitatur, nullo modo potest dici visitatus Archipresbyter. Quod autem attinet novam suburbanam paroeciam S. Pauli (si Archipresbytero in rem iam non suinterloquendum sit), iam nec potest invocari consuetudo, dandi vitulum pro victualibus, quia illa consuetudo cum obiecto cessavit. Sed quoad paroeciam noviter erectam est applicandum ius commune, sub quo nascitur et iuxta quod in primis non debetur procuratio a paroeciis suburbanis, si hae parum distent a civitate episcopali; et, secundo, in potestate illius, qui visitatur, est, vel dare victualia, vel summam pecuniae, quae victualibus aequivalet; nec Episcopus potest cogere visitatum ad determinatum modum praestationis, etiamsi adesset consuetudo (Conc. Trident., 1. c.): unde in casu non potest obligare novum parochum ad praestandum determinate vitulum nisi aliter in erectione cautum fuerit, de quo in casu non constat.

[*Latin ed. p. 243*]

The Holy Congregation of Councils, 243. Therefore, since, at present, neither the Archpriest of the Cathedral nor the parish priest of St. Paul outside the walls are obligated to provide the calf, it has been ruled out that the Bishop, in the final part of the other question, intends to impose this obligation absolutely. However, the following points were noted in favor of the Bishop. The matter concerns a tradition of long standing, invoked by the Bishop and readily admitted by the Archpriest, by virtue of which one has the right to receive a calf from the other, on the occasion of a visitation in the city of Notabile. This custom, since neither its origin nor its cause is known, does not require the Bishop to demonstrate the title of his possession, since the very ancient possession itself constitutes a title, and indeed a better one than any other in the world, as the commentators teach. Therefore, as long as the Archpriest, using his reason, does not prove, not hypothetically, but certainly, that this possession is based on an illegitimate, or flawed, or extinct title, he should not be absolved from the obligation to provide the calf. It is undeniable that, at first glance, this custom seems to be contrary to the law, and therefore lacks a canonical title, since the calf is received on the occasion of a visitation, and the Council strictly prohibits that gifts be offered to and received by visitors. However, it can be considered that a custom that exceeds the memory of men derives

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such force that it implies an apostolic privilege; therefore, the authors teach, with Fagnano, that "a custom of more than a hundred years can acquire whatever can be obtained by privilege" (c. Cum contingat, de foro compet, 8). Furthermore, the doctrine of those authors is explained who hold that the Council, in chapter 3, session 24, abolished customs that were already existing, but not those that, although with difficulty, could successively arise; since, with the prohibition in place, they could not have begun except by a privilege. In this case, however, it is not demonstrated that the custom of this payment predates the Council of Trent; rather, certain documents that testify to it do not exceed the 18th century. Moreover, the prohibition made to Bishops of receiving anything for a visitation or under the pretext of it, except for expenses, does not seem to have prohibited them from receiving anything on that occasion that is due from another source, not related to the visitation. It is certainly prohibited for Bishops to demand, on the occasion of a visitation, from the cathedral chapter, as His Holiness has declared on several occasions, but this cannot be extended to the demand for other tributes, whether of a general or particular nature: rather, the exception confirms the rule. If it is difficult to assign any legal title to the payment of the calf, then, according to those who are cited in the sources of law and in common usage...

[*Latin ed. p. 244*]

The Acts of the Apostolic See – Official Commentary: It does not follow from this that a contribution must necessarily be retained as a procuration, in place of provisions, or as an alms or offering, which is prohibited by the decree of the Council. Indeed, besides the general titles by which Bishops, according to the necessity of things, may demand something from their subjects in a general way, there may be other, particular and individual titles, not disapproved of by law, by which a particular Church or person may offer something to the Bishop, which, however, other Churches or persons are not bound to provide. And the example is given to us by the very allegation of the Archpriest, from which we learn that the Archpriest is accustomed, by ancient custom, to offer a branch adorned with flowers to the Bishop on the Sunday of Palms, and that no trace of this obligation has been found in the sources of law or in common doctrine, nor that other parish priests of the diocese are obliged to offer such an oblation to the Bishop. Nor does the reason presented by the Archpriest seem more solid, namely, that it is a matter of a procuration for the visitation of a suburban parish, derived "from the fact that the same procuration is not due from the Cathedral Church, not located in the place where the Bishop keeps his seat." For, firstly, this reason can easily be turned around to show that the provision of food may have arisen from a cause other than a procuration; for even then, the Bishop is prohibited from demanding a procuration from a suburban parish, if it is not at least three miles distant from his city, and

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in the case in question, the distance of the parish of St. Paul in Rabat from the episcopal city of Notabile is certainly not so great. Secondly, even if we were to insist on the nature of a procuration, there does not seem to be a reason why it should be restricted to the visitation of a suburban parish, and not also of the Cathedral Church. For if the Churches and clergy of the episcopal city, and also the Church and clergy of the suburb not more than three miles distant, are exempt from giving it, then it cannot be doubted that, if we wish to insist on the reason of a procuration, it is not sufficiently proven that this contribution is due from the Church in question, and in particular, that it was not, nor is, due for the visitation of the Cathedral Church itself; therefore, the Archpriest is not sufficiently relieved from the burden of the contribution. It is better to conclude that this contribution is derived from another cause or particular title, which is not a procuration. Furthermore, it should be noted that, according to the Capitular Acts, volume IX, page 143, on January 26, 1768, it was decreed that a special sum should be paid by the Archpriest from the revenues of the Chapter, precisely in compensation for the burden imposed on him in the provision of food: a sum which, as the present Archpriest and his predecessors have received from it.

[*Latin ed. p. 245*]

The Holy Congregation of the Council has determined, and this is understood by all, without any dissent, that it is possible today: from which it is clear that not only is there no law, but also, as they say, no interest, for the archpriest to be harmed by the disputed offering; but if, given the circumstances, it appears that this offering is inadequate for the burden, the Bishop will not hesitate, after the legal question has been definitively settled, to consider the factual circumstances of this matter for the good and proper resolution thereof. Finally, it is stated that, in the hypothesis that the archpriest is no longer bound to offer the "vitulum" to the Bishop due to the division of the parishes, the parish priest of Saint Paul in the place of Rabato is also not bound, because the new parish is governed by common law. However, it is important to note that this parish was not created by the division of the territory of the Cathedral parish, so that it can be called new and governed by common law, but it is a pre-existing parish, which was successively united to the archpresbyterate of the cathedral church and, with a firm status of parochiality, remained subject to a single rector for about two centuries. Therefore, since that union has now been dissolved, both benefices have, as they say, regained their original autonomy; and therefore, except for the novelty of the exclusive and individual rector, the parish is to be governed by the laws and customs by which it has been used for centuries. - After the matters presented in the plenary session of the Most Reverend Fathers of the Holy Congregation of the Council, held on April 21, 1917, and after the doubts raised by the Ordinary of

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Melevitan were reverently submitted, the following response was issued: RESOLUTION. "Regarding the first and second points. From what has been presented, it is not sufficiently clear that the archpriest of the Cathedral parish is exempt from the obligation of offering the 'vitulum' to the Bishop, in this case." After a report on the foregoing was made to His Most Holy Eminence, Pope Benedict XV, by the undersigned Secretary of the Holy Congregation, in an audience on the 23rd of the same month and year, His Holiness deigned to approve and confirm the resolution of the Most Reverend Fathers. L MORI, Secretary.

[*Latin ed. p. 246*]

Acta Apostolicae Sedis - Official Commentary

SACRED CONGREGATION FOR RITES

I. BURDIGALENSE, OR VICTORIAN.

DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF BEATIFICATION AND CANONIZATION OF WILLIAM JOSEPH CHAMINADE, PRIEST, FOUNDER OF THE SOCIETY OF MARY.

At the close of the eighteenth century, after that grievous calamity which afflicted all of France, Divine Providence, governing and directing men and nations in a wondrous manner, raised up many men and priests endowed with knowledge, virtue, and religion, to repair so much ruin, and to restore the Christian faith and morality, together with public tranquility and peace. Among these, the faithful servant of God, William Joseph Chaminade, a priest and founder of the Society of Mary, appeared, who, traversing the regions of Aquitaine, especially Bordeaux and neighboring dioceses, labored with word and deed as a missionary.

He was born in Petrocoria on April 8, 1761, the thirteenth son of pious and honorable parents, and on the same day he received the name William in baptism. Imbued with Christian upbringing at home, he went with his mother to the church and to the sacraments, and devoutly prayed. After being confirmed with the sacred chrism, he assumed a second name, Joseph, because of his particular devotion and trust in the Blessed Virgin and her most pure Spouse. In his native city, he learned the first elements of literature; subsequently, in the nearby town of Mussidan, where two of his brothers, one of whom was a priest, were prefects of the college, he eagerly studied the humanities. Meanwhile, devoted to study and piety, he received the Sacrament of Holy Communion for the first time, with great joy of spirit and to the edification of those present. He was also admitted to the Sodality of Saint Charles, which consisted of the college masters, and, although a student, he distinguished himself through his outstanding

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merits and virtue to such an extent that he was easily admitted by those in charge of his conscience to take religious vows, albeit privately. When he was afflicted with a serious wound in his foot, and, after two months of care, he saw that no remedy of the healing arts was of any benefit to him, trusting in the patronage of the Blessed Virgin, he went to her famous...

[*Latin ed. p. 247*]

The Holy Congregation of Rites. In the town of Verdelais, a miraculous healing occurred. A pilgrim promised to visit the shrine. Soon, his leg was miraculously restored to perfect health. He then undertook a long journey and successfully completed the promised pilgrimage. After completing his studies in philosophy in Bordeaux, he began theological studies there, which he completed with particular diligence and success at the Seminary of St. Sulpitius in Paris, and duly received the theological degree, ascending to the sacred order of the priesthood at the age of twenty-four. Then, returning to Mussidan, he rejoined his German brothers, John the Baptist and Lewis, who were also priests. He worked to restore the college, which had previously declined, adding his efforts to those of his brothers, and also fulfilling the duties of a teacher and counselor, striving to return it to its former flourishing state. He also devoted himself to pastoral ministry, especially in the hospital for the sick and in the churches, particularly in the church of Our Lady of the Rock, whose cult he fostered and promoted with great zeal. However, in 1789, during the turmoil in France, with the upheaval of both Church and state, and the subversion of both earthly and divine matters, Joseph and his brothers refused the oath demanded by the Civil Constitution of the Clergy, which required them to uphold and observe unjust and impious laws, with manly courage and Christian fortitude. Then, the servant of God, leaving the college of Mussidan, went to Bordeaux in 1791, where he was forced to live in hiding. Nevertheless, with great prudence and zeal, with the help of the Virgin Mary, he explored houses and hiding places, remaining safe from any danger, and ministered to the healthy and the sick, striving to bring back to the bosom of the Church those clerics who had defected, and in a chapel where he had established a place of prayer for the faithful, he received those same penitent clerics, protecting their perseverance in faith and religion. However, it happened that the most severe law ordered all priests who wished to obey God rather than men to be exiled from their homeland. Therefore, in 1797, Joseph went to Iberia and went to Saragossa, as a place of refuge; where for three years he supported himself through manual labor, creating religious images, and spent the rest of his time studying monastic matters, piety, and charitable works for his own and the benefit of those around him. He often and devoutly prayed in the temple of the Most Blessed Virgin Mary of Kolomna, and later, Joseph revealed that he had first received the inspiration and light to found the Society of Mary before the most

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famous altar there. Afterwards, he was able to return to Bordeaux, where he directed and expanded various pious societies for boys and girls, for women and fathers of families, for artisans and scholars, as sections of one Congregation dedicated to the Immaculate Conception, with diligent study and zeal, and he also established the Mariana Congregation.

[*Latin ed. p. 248*]

The Acts of the Apostolic See record that the official account of the congregation's activities, centered in the chapel of Saint Mary Magdalene, clearly demonstrates the numerous and abundant fruits that this kind of congregation has produced, not only within the city and archdiocese of Burdigala, but also in other dioceses, especially in the neighboring diocese of Baz, which was later joined to the same archdiocese, and whose administration was legitimately held for a time by the aforementioned servant of God. Furthermore, another work, called "The House of Mercy," was established in Burdigala by pious women from Laniourous, always with the encouragement and guidance of Joseph himself, where lost and dissolute women found refuge and received necessary assistance, so that, removed from worldly conversations and pleasures, and converted to a virtuous life, they might lead an honest and Christian life. Finally, what Father Chaminade had conceived in the temple of Caesaraugusta, before the altar of the Virgin Mary, illuminated by heavenly light, and which he began in Burdigala with the help of twelve young men, who were to observe a common and religious way of life and to perform works of mercy for their neighbors, he successfully completed through two societies, with God's help. In the year 1817, the aforementioned servant of God, with a small group of select young men, spontaneously offered himself and his students to divine service before the altar and under the protection of the Virgin Mary, and founded the Society of Mary, which has grown and spread more and more over time, and is now divided into three classes: priests, laymen learned in letters, and artisans. The members of the first class made their religious vows on September 5, 1818, with the approval of the Bishop, adding two vows: first, the vow of stability, and second, the vow to teach the people, in order to form and multiply true children of God and the Church, and to be good citizens of the country. He also founded another religious family, called the Daughters of Mary, whose first members, under the guidance of Madame de Trenquelmon, took their religious vows in the hands of the aforementioned founder. Then, two other branches of the Daughters of Mary were established, also by Joseph, one secular and the other regular; the latter, although not cloistered, faithfully observed the rules of the cloistered orders, and primarily carried out their works and duties in the countryside. With all these congregations established, the servant of God, rich in merits, had reached his eightieth year, when a very serious temptation arose against him, which, with

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God's permission, allowed his many virtues to shine more brightly and clearly through the royal road of the cross, in the midst of hardships and adversities. Finally, the servant of God, weakened by old age, labors, and sorrows, on January 6, 1850, while absorbed in reading sacred books, was suddenly struck by an apoplectic stroke, which, although it afflicted his body and took away his speech, did not in the least affect the intelligence of his mind or the strength of his spirit.

[*Latin ed. p. 249*]

The Holy Congregation of Rites. To the parish priest of the church of Bordeaux, Saint Aloysius, having been strengthened by the sacred synaxis and the extreme unction, on the 22nd of the same month of January, while kissing the image of the Crucifix, he pressed it to his chest, blessing his students paternally, and surrendered his spirit to God. After the funeral rites were completed with a sacred and solemn ceremony, in the presence of the clergy and the people, the remains of Joseph were carried to the cemetery of the Chartreaux and there buried in peace, with his image engraved above his tomb, and with an inscription of memory and honor. Meanwhile, the fame of the holiness of the servant of God, both in life and after death, grew more and more each day, opening the way for inquiries to be carried out in the ecclesiastical courts of Bordeaux and Vitoria. After these were completed and transmitted to the Sacred Congregation of Rites in Rome, and after a careful review of the writings of the same servant of God, nothing hindered the possibility of proceeding further, and everything was ready regarding the question of introducing the Cause. With the urgent request of the Most Reverend Father Augustine Subiger, of the Society of Mary, as general procurator and promoter of the cause, and also in the name of the entire Marian sodality, and after considering the letters of certain Eminences of the Most Holy Roman Church, as well as those of several Most Reverend Prelates, and also of chapters, priests, religious, and other men of ecclesiastical or civil distinction, the following Cardinal, Anthony Vico, Bishop of Portuense and of Saint Rufina, as Promoter or Relator of this cause, in a meeting of the Ordinary of the Sacred Congregation of Rites, gathered in the Vatican palaces, proposed the following question for discussion: Should a Commission for the Introduction of the Cause be appointed, in this case and for the purpose in question? And the Eminences and Most Reverend Fathers, entrusted with the sacred rites, after the report of the Cardinal Promoter, and after hearing the voice and the written opinion of the Reverend Father Angelo Mariani, Promoter of the Faith, after careful consideration by all, they decided to write: That a Commission for the Introduction of the Cause should be appointed, if it pleases the Most Holy. On May 7, 1918. Subsequently, concerning these matters, Our Most Holy Father Benedict XV, through the aforementioned Cardinal, Prefect of the Sacred Congregation of Rites, deigned to sign with his own hand

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the Commission for the Introduction of the Cause of the servant of God, William Joseph Chaminade, priest, founder of the Society of Mary, on the 8th of the same month and year.

A. CARD. VICO, Bishop of Portuense and of Saint Rufina, Prefect.

L. © S. Alexander Verde, Secretary.

[*Latin ed. p. 250*]

Acta Apostolicae Sedis - Official Commentary ^250

II. THE DECREE CONCERNING THE BEATIFICATION OR DECLARATION OF MARTYRDOM OF THE VENERABLE SERVANT OF GOD OLIVER PLUNKET, PRIMATE OF IRELAND AND BISHOP OF ARMAGH.

ON THE QUESTION: Whether, in the absence of dispensations from signs or miracles, it is possible to proceed safely to the solemn approval of the martyrdom and the cause of martyrdom of the aforementioned Venerable Servant of God, and to Beatification.

The most illustrious people of Ireland rightly rejoice as they approach the day when they will be permitted, in the name and with the authority of the Apostolic See, to publicly and ecclesiastically honor the venerable Servant of God, Oliver Plunket.

Having carefully examined the causes for Beatification and Canonization, it is immediately evident and established that such causes are closely connected with the benefit of the people, as Roman Pontiffs have repeatedly and consistently declared, both in Canonization Bulls and in Apostolic Letters in the form of Breves, whenever the opportunity and time have allowed.

Therefore, it is fitting that all the faithful in Ireland should prepare themselves for the solemn celebrations that are soon to take place, by recalling to mind and bringing before their eyes the exhortations and admonitions that the Holy See has repeatedly sent to them, with great care and concern, to safeguard the Catholic faith, which was so strenuously and valiantly defended by them in the sixteenth and seventeenth centuries, and to preserve it as a treasure more precious than all others, and to keep it holy and inviolate. The Holy See has also endeavored to strengthen them in the struggle and to lead them to victory.

"You have been chosen by the Lord to renew the example of the early Church in these last and most calamitous times: persevere in good works; devote yourselves to prayer; do nothing that is contrary to the Catholic religion and the integrity of that faith which your ancestors received from this Holy See: if the Lord has associated you with Himself in bonds, in torments, in prisons, in necessities, He will surely associate you with the joys of the blessed."

Consider the virtuous masters you have had; consider the athletes of

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faith who have gone before you: let your nation render great praise, that the Isle of Saints...

[*Latin ed. p. 251*]

The Sacred Congregation of Rites was commonly, and deservedly, called the "Fifth," from which flowed so many examinations concerning the establishment of religious orders in other nations. Therefore, let not those of you who belong to this order be found wanting: do not stray from the right path, but let those in whose land you live embrace discipline, and let those virtues which you preach be followed by your actions, lest you boast of having honored those Fathers in vain, whom you are reluctant to imitate (Paul, Pope, in the year 1633, to the Clergy, Nobility, and faithful people of the Kingdom of Hibernia; Urban, Pope VIII, in the year 1620, to all the faithful throughout the Kingdom of Hibernia). Although the venerable Servant of God, Oliver Plunket, was fortunate to have been born in Hibernia, nevertheless, that Roman citizen is to be commended; for he spent a large part of his life in the city of Rome, and he provided outstanding examples to the Romans, whether citizens or foreigners, in industry, learning, prudence, and, indeed, in all Christian and priestly virtues. Therefore, on account of the auspiciousness of today's events, Hibernia rejoices with holy Catholic joy; and likewise, the holy city of Rome also rejoiced, especially for the Hibernian youth, Ludovisius, who was so highly esteemed and educated by the venerable Servant of God, and also for Urban, of the Congregation of Propaganda Fide, where he taught sacred disciplines for twelve years with great merit and to the great benefit of his students. These things certainly greatly recommend this cause for Beatification, or for the declaration of martyrdom, and they further enhance his dignity and importance; and this was also evident in the final judicial act, by which an end was put to the legal proceedings concerning his cause. In the general elections of this sacred Order, which were held on the sixteenth day of the month of April, before the Most Holy Pope Benedict XV, by the Most Reverend Cardinal Vincent Vannutelli, the Relator of the cause, the following question was proposed: Can the solemn Beatification of the venerable Servant of God, Oliver Plunket, proceed safely, even with the approval of the martyrdom and the cause of martyrdom, and also with the dispensation from the signs, or miracles? Although all those present, both the Most Reverend Cardinals and the Consultors, unanimously responded that it could proceed safely, nevertheless, the Most Holy Pope, since he was considering a matter of great importance, delayed revealing his mind, so that he might have time for prolonged prayers to implore divine assistance. Today, on this Sunday within the Octave of Ascension, after a most devout Eucharistic Sacrifice, he summoned to the Vatican Palace the Most Reverend Cardinals Anthony Vico, Bishop of Portua and of S. Rufina, and Vincent, Prefect of the Sacred

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Congregation of Rites.

[*Latin ed. p. 252*]

The Acts of the Apostolic See – Official Commentary. The Most Reverend Vannutelli, Bishop of Ostia and Praeneste, Dean of the Sacred College, and Relator of the cause, together with Father Angelo Mariani, Promoter of the Faith, and myself, Secretary, and those present, solemnly declared: It is permissible to proceed to the solemn beatification of the venerable Servant of God, Oliver Plunket.

This Decree was ordered to be published, to be entered into the records of the Congregation of Sacred Rites, and to dispatch the apostolic letters in the form of a Brief concerning the solemn beatification, to be celebrated in the Basilica of the Vatican, as soon as it is possible, on the fourth of the ides of May in the year 1918.

Anthony Cardinal Vico, Bishop of Porto and Santa Rufina, Sacred Roman Church, Pro-Prefect.

Alexander Verde, Secretary.

III. DECREE OF CANONIZATION OF BLESSED GABRIEL OF THE SORROWFUL VIRGIN, CLERIC, PROFESSED MEMBER OF THE ORDER OF CLERIC REGULARS OF THE MOST HOLY CROSS AND THE PASSION OF OUR LORD JESUS CHRIST. CONCERNING THE QUESTION OF WHETHER AND ABOUT WHICH MIRACLES IT IS ESTABLISHED, AFTER THE VENERATION GRANTED TO SAID BLESSED, IN THE CASE AND TO THE EFFECT OF WHICH WE ARE SPEAKING?

Amidst the immense ruins, which are often the consequence of public affairs, it is scarcely possible to find another which can be compared to the damage inflicted upon youth. The monuments of former ages testify to this most clearly; and, if the matter itself required confirmation, there would be ample evidence, which is present before the eyes of all, in the daily examples.

Given the present course of events and of men, it is not necessary to say that the opportune promulgation of the apostolic decree is timely. Therefore, as true and genuine signs of a miracle, two healings are recognized and approved, which, through the prayers and merits of Blessed Gabriel of the Sorrowful Virgin, were obtained from God; and those who have diligently sought to propose them for the solemn attainment of the canonization of the Blessed himself, and to defend them with all their strength, are wise and experienced, and are the most noble, acceptable, and worthy promoters of this cause.

[*Latin ed. p. 253*]

The Holy Congregation of Rites, 253. Indeed, it quickly became apparent that what needed to be proven was, in fact, difficult to prove; rather, it was

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easily demonstrated. For, from the nature of both illnesses, it was possible to deduce, and the accounts describe how each illness was repelled and driven away. Therefore, with men of expertise in the art, and also devoted to the sacrament of religion, preceding, illuminating, and almost pointing with their finger, it became clear and evident that the malady, by which the sick men, John Baptist Cerro and Aloysius of Paris, were afflicted, was located in a certain material, organic, or anatomical and pathological lesion, as they call it in their technical language. Therefore, with this material, organic, anatomical, and pathological lesion established with certainty and firmness, sound philosophy teaches, and indeed the very common and upright sense of men confirms, that it is absolutely necessary to resort to a miracle, so that the sudden and perfect healing, which, as described in the records, followed after the invocation of the Blessed Gabriel by the Virgin Dolorous, may find a sufficient and adequate explanation. Indeed, nature, as everyone knows and no one can deny, does not act by leaps and bounds, and the limits established by God the Creator for nature, which it cannot exceed, only allow that same nature to proceed slowly, gradually, and step by step in the work of restoration. Thus, it happened that the trial, which had been instituted three years ago to investigate new miracles attributed to the intercession of the Blessed, could be happily, favorably, and successfully concluded by three Congregations of the usual manner; namely, the preparatory, the preparatory, and the general, which, on the sixteenth day of the month of April of this current year, was convened before the Most Holy Pope Benedict XV. In this, the Most Reverend Cardinal Anthony Vico, the Relator of the cause, proposed the following question for discussion: Of what miracles does it consist, after the veneration granted to the Blessed Gabriel by the Virgin Dolorous, in this case and to this effect? All those present, the Most Reverend Cardinals and Fathers Consultors, each in turn, expressed their votes; but with joyful and happy hearts, the Most Holy Pope deferred his judgment, meanwhile offering fervent and heartfelt prayers, and invoking the protection and the light of the Fathers. Today, on this Sunday within the octave of the Ascension, having devoutly performed sacred duties, he wished to summon the Most Reverend Cardinal Anthony Vico, Bishop of Porto and St. Rufina, to the Vatican.

[*Latin ed. p. 254*]

Acts of the Apostolic See - Official Commentary 254, to the Congregation for the Rites, the Pro-Prefect and the Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, together with the undersigned Secretary, and in their presence, solemnly declared: That both proposed miracles are established; namely, the first, of the instantaneous and perfect healing of John Baptist Cerro from a deforming and ankylosing arthritis of the spinal column (ankylosing spondylitis); and the second, of the instantaneous and perfect healing of Aloysius Parisi

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from a chronic inguinal hernia on the right side. He ordered that this Decree be made public and recorded in the acts of the Sacred Congregation for the Rites, on the fourth of the ides of May, in the year 1918.

† ANTONIUS CARD. VICO, Archbishop of Porto and Santa Rufina, Sacred College, Pro-Prefect.

† S. Alexander Verde, Secretary.

IV SENENSIS.

Doubt: The Most Reverend Prosper Scaccia, Archbishop of Siena, in his report on the status of his Archdiocese, proposed the following questions to the Sacred Congregation Consistorial, and transmitted them to the Sacred Congregation for the Rites for a suitable solution: namely:

I. Whether, as happens in the Metropolitan Church on Holy Friday, according to the memorable custom, it is permissible to offer to priests and the faithful the opportunity to kiss the relic of the Holy Cross of Our Lord Jesus Christ?

II. Whether, as is done there, in the solemn exposition of the Most Holy Sacrament, according to the most ancient liturgical order, after the hymn *Tantum Ergo*, may other collects be added to the prayer *Deus, qui nobis adiuvit*?

And the Sacred Congregation for the Rites, having heard the opinion of a special Commission, after deliberation, decided that the following should be answered:

To I: Nothing prevents it.

To II: Negatively, according to Decree No. 4194 of the 10th day of November, 1906.

And thus it was written and declared, on the 26th of April, 1918.

† A. CARD. VICO, Archbishop of Porto and Santa Rufina, Sacred College, Pro-Prefect.

L. & S. Alexander Verde, Secretary.

[*Latin ed. p. 255*]

Sacred Penitentiary Apostolic Acts 255. SACRED PENITENTIARY APOSTOLIC DECREE: FACULTY TO CELEBRATE MASS ACCORDING TO THE WILL OF THE SUPREME PONTIFF, ON THE TWENTININTH DAY OF JUNE OF THIS YEAR, FOR PRIESTS WHO HAVE BEGUN THE "GREGORIAN TRIDUUM" OR ARE OBLIGATED TO OFFER MISSES ACCORDING TO THE SPECIAL LAWS OF FOUNDATIONS.

Whereas, His Most Holy Father, moved by the severity of the present circumstances, has decreed that on the twenty-ninth day of the coming month of June, the Nativity of the Holy Apostles Peter and Paul, all pastors of souls, to whom the office of celebrating Mass for the people is entrusted,

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should offer it with Him to the Divine Majesty to obtain mercy; and that the other members of the clergy may likewise do so if they wish, and that this will be most pleasing to them; and whereas, suppliant prayers have been offered for those priests who, perhaps, due to the commencement of the Gregorian Triduum or some other burden already undertaken, may be hindered from complying with the most pious wishes of Holiness, as they would desire.

Therefore, that no one, through such impediments, should be compelled unwillingly to abstain from this most important act of piety, while such calamity presses, and such a singular need for supplication arises, this Sacred Penitentiary, with special and express Apostolic authority, grants that all and each priest who has undertaken the obligation of celebrating the Masses which are called Gregorian, may, on that day, perform the Sacred Rite according to the will of the Supreme Pontiff, without the aforementioned Gregorian Triduum being considered interrupted thereafter, provided that they subsequently continuously fulfill the number of thirty Masses.

Furthermore, by the same Sacred Penitentiary, by special mandate of Holiness, graciously approving the aforementioned prayers, it is granted that those who are burdened with the obligation of offering a Mass on that very day according to the special laws of their foundations, may, for the aforementioned purpose, respectively celebrate it themselves or through others within the week. Contrary to whatever may be.

Given at Rome, in the Sacred Penitentiary, on the twenty-sixth day of May, in the year 1918.

O. CARD. GIORGI, Major Penitentiary.

L. F. Borgongini Duca, Secretary.

[*Latin ed. p. 256*]

"256 - Acta Apostolicae Sedis - Official Commentary of the SACRED ROMAN ROTA of St. James of Chile, concerning matters of burial. Under the blessed reign of Pope Benedict XV, in the third year of his pontificate, on the 15th of November, in the year 1916, the Most Reverend Fathers, Doctors Fridericus Cattani Amadori, presiding, and Petrus Rossetti, and Raphaël Chimenti, auditors, in the cause of appeal of St. James of Chile, concerning matters of burial, with the appellant being the Reverend Provincial of the Province of the Most Holy Trinity of the Order of the Friars Minor of St. Francis, represented by his legitimate procurator, the Reverend Liberatum Tosti, against the Reverend Parish Priest of the town commonly called Guricò, represented by his legitimate procurator, the Reverend Christophorum Astorri, with the Public Prosecutor intervening and arguing in the cause, rendered the following definitive judgment. In the town of Curicò, in the diocese of St. James of Chile, on the 21st of December

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of the year 1910, Celia Matus passed away while still alive, and her relatives entrusted the proper funeral rites to the parish priest of the place, who at that time was Lucianus Vargas, paying the alms of seventy pesos, which, according to the synodal laws of the diocese, was the proper amount. However, those who had given the alms to the parish priest, before the funeral rites were completed, demanded it back and entrusted the funeral rites to three Friars Minor of St. Francis, who have a convent there, whose superior is Father Franciscus Naranjo, who, contrary to the synodal law, received only forty-five pesos, in order to celebrate the funeral in his church. After this was done, he sent twenty-five pesos to the parish priest Vargas, for parochial rights. But this priest refused to accept the offered twenty-five pesos, demanding the entire sum from Father Naranjo, deducting only the expenses, because he had violated the parochial rights. On the contrary, Father Naranjo maintained that he had exercised his right, and the parish priest appealed to the ecclesiastical commissary of the diocese, requesting that his rights be protected, especially because Father Naranjo had usurped these rights not for the first time. The diocesan commissary then notified Father Naranjo of the petition of the parish priest, and appointed Father Antonium Pavez as his procurator and defender; but, shortly afterwards, citing reasons that he lacked the consent of his superior, and that he might not have it, he revoked the procurator from his duties in the management of the affair and in the judgment."

[*Latin ed. p. 257*]

257 In Romana, the matter remained unresolved. The ecclesiastical commissary, with no objections raised by Father Naranjo, accepted the petition of the parish priest and, after careful consideration and consultation with the fiscal procurator, on January 16, 1912, issued a judgment in which he declared that Father Naranjo had violated the parochial rights and condemned him to restore the alms received for the funeral of Celia Matus, deducting, however, the expenses incurred. This judgment was notified to the defendant and his superior, but the latter refused to recognize it as legitimate, citing the incompetence of the judge, and furthermore declared it to be inherently unjust; therefore, he filed an appeal with Our Tribunal. The matter is now presented to Us for resolution, with the following two points of contention agreed upon between the procurator for the Provincial Chapter of the Order of Friars Minor, who represents Father Naranjo, and the procurator for the rector of the parish church of the town of Curicò, who succeeded the late Luciano Vargas and is responsible for protecting his rights, namely: I. Whether the judgment is null and void in this case. II. Whether the parish priest, Luciano Vargas, is entitled to funeral fees in this case. This is the factual situation. Father Francis Naranjo, in order to prove that he did not violate the parochial rights, presents three documents in the record: first, he attempts to prove that, while she was still alive, Celia

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Matus had arranged that her funeral should be held in the church of Saint Francis. The document reads: "We, the undersigned, relatives of the deceased Celia Matus, who died in 1910, hereby certify that it is our understanding that the aforementioned lady expressed her wish that her funeral be held in the Church of Saint Francis in this city. - Curicò, September 4, 1913. Signed: Dolores Gonzalez. - Giacinto Briónes. - They signed before me (followed by the signature of the notary, with a seal)." However, as everyone can see, the exhibited document does not prove anything whatsoever, because the notary only attests to the signatures of two witnesses, not to the truthfulness of what they asserted, and furthermore, who these individuals are is unknown, and their testimony is not confirmed by oath. Therefore, the procurator for the plaintiff requested instructions from Us to supplement this point. Consequently, We sent a letter of inquiry to the Archbishop of Saint James, requesting that he question the witnesses presented by the plaintiff in accordance with the law: 1) Whether they know that Celia Matus chose to be buried among the Friars of the Third Order of Saint Francis, or whether she entrusted the arrangements for her funeral to Father Naranjo. 2) How, when, and to whom Celia Matus expressed her will. 3) How they know the things they are testifying to before the judge. The witness, Dolores Gonzalez, answered: "that the deceased Celia Matus asked me, a few hours before her death, to accompany her to her funeral at the Church of Saint Francis in Curicò." ACTA, vol. X, n. 6. - 1-6-918. 17

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis - Commentarium Officiale: "It is also declared that the deceased Celia Matus wished that her husband and 'her mother' (according to what the declarant understood from her) would offer prayers and Masses for her present corpse in the Church of Saint Francis in Curicò. The deceased Celia Matus requested that the lady Dolores Gonzalez accompany her in her funeral rites, with the mother of the same deceased being present." Another witness, Hyacinthus Q. Briónes Gonzalez, testified: "...that the deceased Celia Matus, in her presence and in the presence of two brothers, wished that her funeral rites be performed in the Church of Saint Francis in Curicò. That he and his brothers would attend said funeral rites. That what has been stated in the two previous declarations occurred three days before the death of the deceased." Another document: Father Francis Naranjo attempts to prove that Celia Matus had the right to funeral rites in the church because she belonged to the Third Order of Saint Francis: "The undersigned, Rector of the Third Order of the Most Holy Father Saint Francis, established in Curicò, testifies that in the letter M of the book, concerning the taking of the habit and profession of said Third Order, the following is found: 'Celia Matus received the habit on December 2, 1910. She was granted profession in articulo mortis. She died on the 21st of the same month. Her funeral rites

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were celebrated with the attendance of many sisters.' Signed, Fr. Francis Naranjo, Rector. Curicò, August 11, 1913." Finally, Father Naranjo seeks to demonstrate, lest he violate parochial rights; indeed, after the funeral, the parish priest Vargas sent twenty-five pesos, which belonged to him, along with these documents: "City, December 29, 1910. - Mr. Luciano Vargas. City. - I enclose the sum of twenty-five pesos, parochial fees of the deceased sister, a member of this convent, the lady Celia Matus, whose funeral rites were celebrated this morning in our chapel. May God protect her. Signed, Fr. P. Francis Naranjo, Rector of the Third Order. Curicò, August 11, 1913." Furthermore, he wrote a letter to the parish priest Vargas, in which, among other things, the following are stated: "Mr. Parish Priest, - It is necessary that you know that the members of the Third Order of Saint Francis are exempt from your authority, from your permissions, and that, in general, no parishioner needs your permission to have funeral rites in a church of Regulars. All of this is declared on repeated occasions by the Holy Congregation. What is stated by the Holy Congregation of the Council in 1900 concerning the first funeral Mass is this: the only obligation that we have with you, in such cases, is to ensure that the parochial fees are paid, which are solely..."

[*Latin ed. p. 259*]

Rome, the 25th of the month. 25 pesos. Concerning the Tertiaries, Reverend Parish Priest, I transcribe to you a "resolution of the Holy Congregation": "Whether and how a confraternity of St. Francis should associate with the deceased, recite the Divine Office, and carry the body to the cemetery, without the clergy and with what parish intervention, on the 18th of [month], 1887, it was decided to affirm [something] in all respects... Your appeal has no reason to be, since you should not have cited me before the Curia; your citation is completely null. You have forgotten that I am a Regular, and that Regulars are exempt, and that, consequently, the Curia is not a competent judge," etc. On the other hand, Parish Priest Vargas, in the introduction to this case, sent to the ecclesiastical provisor, cites the diocesan synod of St. James, which in § 543 prescribes: "that in order for a priest, other than the parish priest himself, to perform funeral rites and give burial, the following conditions are required: 1) That the aforementioned parish priest be notified of the disposition or other cause, by virtue of which the burial of the deceased does not belong to him. 2) That he be given the necessary information to transcribe the entry in the book of the deceased. 3) That he be paid the parish fees for the funeral according to the tariff. 4) That the aforementioned parish priest declare that the deceased is not unworthy of ecclesiastical burial." In article 743, it is decreed: "...that he who celebrates funerals, without it being his due to do so, according to the canonical or diocesan regulations, shall not gain for himself, nor for his church or community, the emoluments or oblations that are given

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to him for that purpose; and he must deliver what he has received, after deducting expenses, to the parish priest and to the parish church." Furthermore, Parish Priest Vargas wrote to the ecclesiastical provisor: "...that Father Francis Naranjo, superior of the convent of Curicó, be warned to abstain from celebrating funerals in his chapel, without the due being given to the parish, according to what is ordered by the Synod... making it seem that it does not belong to the parish priest to celebrate funerals. That he should not demoralize the parishioners by offering to perform funerals at a "better price," as if it were a matter of commerce." This is the law. - Since, in the previous doubt, the nullity of the sentence is questioned, we must first inquire whether the sentence of the episcopal curia of St. James is truly subject to some defect, some nullity. The nullity of sentences (apart from that which is substantial, such as that which...

[*Latin ed. p. 260*]

260 The *Acta Apostolicae Sedis*, the official record, arises from the law of nature, because there is no condition required by the very law of nature that is lacking; otherwise, it is not admitted in canonical law, unless there is either a defect of jurisdiction in the judge, or a defect of mandate in the advocate, or a defect of citation of the party (Cf. Constitution *In throno iustitiae*, December 27, 1361, Pope Pius IV; Constitution *Universi*, March 1, 1612, Pope Paul V; Constitution *Ex parte*, September 30, 1760, Pope Clement XIII; Motu proprio, July 6, 1816, Pope Pius VII), to which Pope Pius X added a fourth cause of nullity, namely: "If time is not granted to the party to respond, after a new finding or document has been notified to him in the case" (Constitution *Sapienti consilio*, June 29, 1908, canon 31). The nullity, of which the Ordinary's judgment is accused in this case, against the advocate of the Brothers Minor, would be due to a defect of jurisdiction, since the Regular clergy enjoy the privilege of exemption from the Ordinary of the diocese. It should be noted first that the legislative, judicial, and coercive power of the bishop generally extends to all who reside within the diocese, whatever their status or condition; for the bishop is, by divine law, the pastor of all within his territory, and he has a founded intention and legal assistance with all churches and clergy, whether secular or regular, within his diocese (Cf. De Luca, *Theatrum veritatis et iustitiae*, Book III, p. I; *Summa Iurisdictionum*, IV, n. 50). Therefore, as Berardi rightly notes: "Even today, neither monasteries nor monks are exempt from the jurisdiction of bishops, unless in those cases where they allege and prove a special right, namely, privileges, customs, prescriptions, and legitimate founding charters, so that these special rights are subject to strict interpretation... and in those matters which are contrary to the privileges of monks or monasteries, especially in those issued by the Council of Trent, that interpretation should be adopted which easily favors the bishops, because of the easy return of each thing to its own principles" (Cf. *Commentaria in Ius eccl.

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universum*, Volume I, Chapter V, Dissertation IV, § 134). Although the Regular clergy, who enjoy privileges granted by apostolic authority, are exempt from the jurisdiction of the bishop in many cases, they are also subject to the jurisdiction, whether ordinary or delegated, of the bishop in many cases, as Leo XIII states in the Constitution *Romanos Pontifices*: "But since they live within the boundaries of the dioceses, the tempered force of this privilege is such that the diocesan discipline is maintained, and therefore the regular clergy must, in many cases, be subject to the episcopal power, whether ordinary or delegated." It is certain, in law, whether from the common opinion of the Doctors, or from the constitutions of the Popes, or from the decisions of the Supreme Tribunals and Sacred Congregations of Rome, indeed from the very Council of Trent, that the Regular clergy are subject to the jurisdiction of the bishops.

[*Latin ed. p. 261*]

261 The Roman Rota, and therefore subject to synodal laws, in all matters concerning the care of souls, fully enjoys the power granted to bishops. "Regulars," says Ferraris, "in those matters concerning the care of souls and the administration of the Sacraments, are subject to the jurisdiction and visitation of the Bishop, and nothing in this matter benefits them through any privilege." *Benedict XIV, Apostolic Constitution "Ministerium"* (Cf. *Bibliotheca canonica*, vol. Regulares, art. II, n. 141). This is also taught by Pope Leo XIII in the aforementioned Constitution, where he states: "...they must obey the decrees (synodal), even the religious members in those matters which pertain to the care of souls and the administration of the Sacraments (Council of Trent, Session 25, chapter 11, *De Regul*), and in other matters in which it is canonically prescribed that they are subject to the jurisdiction of the bishops, according to the established institutions" (Innocent IV, *c. 1, De Privil.*, n. 6). This subjection of Regulars to the decrees of the Bishop, in matters concerning the care of souls, is not only in the case where the care of souls is annexed to the monastery. Indeed, whether the Regulars have the care of souls or not, if they exercise it in any way, they must continuously be subject to the episcopal law that applies to that action. This is clearly derived from the Constitution *Firmandis*, of Pope Benedict XIV, dated November 6, 1744, in which he confirms the Constitution of Pope Gregory XV, which begins with the words *Inscrutabili*, dated February 5, 1622. There, Benedict, noting those who believe "that the Council of Trent... (Session 25, chapter 11, *De Regul*) when granting the power to Bishops to correct and punish priests exempt from their jurisdiction, speaks only of those priests who are either parish priests or who exercise the care of souls, continues: "Our Predecessor, Pope Gregory XV, decided to repress this vain presumption, and with the advice of the Congregation, in a Constitution published with the interpretation of the Holy Council of Trent, which begins with the words *Inscrutabili*, dated February 5, in the year of the

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Incarnation of the Lord 1622, decreed and declared that henceforth, both Regulars and Seculars, whatever their exemption, whether they exercise the care of souls of lay people in monasteries or houses of Regulars, or in any other churches or benefices, whether Regular or Secular, or whether they administer the ecclesiastical Sacraments or any one of them, they must, with the prior license and approval of the Bishop, or in any way interfere in the exercise of such care or in the administration of these Sacraments or any of them, they are fully subject in all things to the jurisdiction and correction of the Diocesan Bishop, as the delegate of the Apostolic See." The reason for this is because Regulars, thus...

[*Latin ed. p. 262*]

Acting in accordance with its official procedures, the diocesan bishop enters the vineyard and touches the harvest of another, and therefore can disturb the jurisdiction of the ordinary or parish priest (Cf. De Luca, Theatr. etc., 1. III, p. 1, Jurisdict. summa, n. IV, idem 1. IV, p. 1, De Regularibus, disc. 52, n. 12, idem 1. XIV, p. V, Adnotationes ad S. Concilium Tridentinum, disc. 36, n. 9). Therefore, if the care of souls is attached to a monastery, the Regular clergy who exercise it are subject to the jurisdiction of the ordinary bishop; if it is not attached to a monastery, those who exercise it are subject to the jurisdiction of the delegated bishop (Cf. Ferraris, Biblioth. v. Episcopus, art. VI, n. 125); in both cases, however (as the Promotor Iustitiae rightly notes), the bishop's right is perfect, and the obligation of the Regular clergy to observe the bishop's laws is not merely ethical, but truly juridical. Among those things that pertain to the care of souls, and therefore to the power of the parish priest, are just funeral rites. Therefore, D'Annibale rightly says: "Three things belong to the parish priests, above all other priests: the administration of the sacraments, the functions, and the parochial rights... and so we include here the duties and emoluments of the parish priests, besides the income from the benefice, which are established for them: the most important of which are the just funeral expenses, which are therefore called funeral or, rather, funeral rites" (Cf. Summ. Th. Mor., p. III, n. 175. Which was held by the Rota in the most recent decisions, v. III, decisions XXXIV before Prior n n. 4-5. Cf. also Pichler tit. De Sepult., n. 4). Therefore, Cardinal De Luca says: "The right to perform funerals belongs to the parish priest, and the jurisdiction of the Ordinary is said to be disturbed (namely, if it is usurped by others), and consequently it is one of the cases in which, despite any exemption, the Regular clergy are made subject to the Ordinary, and are under his jurisdiction" (Cf. De Regularibus, disc. I, n. 46 et seqq.). Furthermore, illustrating the matter, the Sacred Congregation of Religious a. 1656 in a Farmen, or Terdonen (which response fully confirms the doctrine presented) states: "It concerned the body of a person who was undoubtedly of the secular population, so that she was not included under the privileges, nor could the religious interfere

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with the administration of sacraments or other divine things, or with the exercise of parochial rights, in all of which, when the Regular clergy wish to interfere, they become subject to the Ordinary of the place, notwithstanding any broad exemption, because from this passive state it cannot be inferred an active jurisdiction over the clergy and the secular population, and therefore, in that case, the Regular clergy, by interfering in the exercise of parochial rights, disturbed the jurisdiction of the Ordinary or parish priest; and consequently, it was rightly decided that the cognizance should belong to the Ordinary, whose jurisdiction had been disturbed.

[*Latin ed. p. 263*]

S. Romana Rota 263 « and for this reason, those who are exempt are also subject to it, « and no part of the conservator's privileges enters into it, since, « without doubt, they are concerned outside of those cases » (Cf. De Luca, 1. XIV, p. 1, De Regularibus, disc. III, n. 2-11-12). Therefore, in our case, since the matter concerned the observance of the diocesan synod's regulations regarding the funerals of the faithful, it is certain that Father Naranjo was subject to the jurisdiction of the Bishop, and therefore the Bishop was justified in summoning him to his tribunal in full right, in order to investigate and decide on the matter arising from the alleged usurpation of parochial rights. Nor could Father Naranjo reject the Bishop's forum, since he did not have the permission of his superior in law to do so; for the matter concerned a Religious who was obliged to answer to the calling judge, with the authority delegated to him by the Apostolic See. Given this, the Religious does not need the permission of his superior, the authors unanimously hold (Cf. Schmalzgrueber, tit. I, De iudiciis, 1. 2, Decret, n. 88; Reiff., 1. II, tit. 1, § VII, n. 183-184; Bouix, De iudiciis eccl, p. I, c. II, n. VII). If Religious who disregard the laws which they are bound to observe, could not, without the permission of their superiors, be judged by the Bishops, whose forum they frequent, it would easily render the authority of the Bishops ineffective; whereas it is established in law: « granted... jurisdiction, all is granted « without which that jurisdiction cannot be exercised » (1. 2 ff. De iuris omn. lud.). Furthermore, Father Naranjo, as rector of the monastery, tacitly had the consent of his superiors to act and respond regarding rights, whether real or presumed, of the same, « because, says Reiffenstuel, « whoever is placed in charge of « any administration acquires and obtains the power « to act (and therefore to respond) regarding the rights of that administration, even if that administration is manual and subject to revocation » (1. c, n. 169). Therefore, the Ordinary of S. Iacobi, having declared the matter in question to be one of contumacy in his sentence, rightly proceeded to judgment. However, having recognized the Ordinary's power to judge, the question remains as to whether his sentence was just or unjust. We have seen above that Father Naranjo contended that he had the right to celebrate the funeral of Celia Matus in his church, because she belonged to the Third

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Order of S. Francisci (to which she had given her name at the point of death) and furthermore because she had chosen the church of the monastery for her funeral. With regard to the first point, it may be observed that Father Naranjo was a witness (and indeed the only one) in his own cause. He himself is the one who testifies that Celia Matus, when already at the point of death, was found to be enrolled in the Third Order. But even if the truth of the act is conceded, it does not follow that Celia Matus, by that fact, acquired the right to have her funeral in the church of S. Francisci.

[*Latin ed. p. 264*]

264 Acta Apostolicae Sedis - Official Commentary of benda. For the Third Secular Order of Francis, today, grants this right to the confreres to a very limited extent. Let us hear the words of Cardinal D'Annibale on the matter: "There are three kinds of these (or Tertiaries). The first are those who live together in a community: these enjoy the privileges of the Orders, and are exempt from the authority of the Ordinary; this does not apply to women, since the Church scarcely tolerates them. The second are only women, who, living at home, are either celibate or widows, having made an explicit vow of chastity and under the habit of the Order. These enjoy the indulgences of the Orders (not an exemption) and the privilege of the forum. The third, finally, are those (whether men or women, or married) who, without having adopted a habit, nor having made a vow, do not profess a life of perfect observance: which in no way obligates them, not even venially: "these participate in the indulgences of the Regulars, not in their privileges" (cf. Summa Theologica Moralis, part I, chapter III, paragraph 106, edition 4°). Therefore, the Tertiaries of the second and third categories are subject, not only to the Ordinaries, but also to the parish priests (Cf. Benedict XIV, Constitution Emanavit super, September 17, 1749, and Instruction Ecclesiastica, 105, paragraph 68; Bouix, De Iur. Regni., volume I, part III, section I, chapter I, § 2), among whom is Celia Matus, who neither lived in a community, nor bound herself with a vow of chastity. Regarding the choice of church, which it is said Celia made for her funeral, it must first be noted that the alleged choice was not legally approved. Two witnesses are cited, of whom the first, namely the woman Dolores Gonzalez, testified: "... that the deceased Celia Matus 'wanted her husband and her mother (according to what the witness claims to have heard from them) to pay her respects and say Mass in the church of St. Francis in Curico'. The deceased Celia Matus asked the lady Dolores Gonzalez to accompany her to her funeral, and the mother of the deceased was also present." Therefore, this is not a witness of her own knowledge, but only of knowledge acquired from others; and therefore, she cannot prove anything, especially since the husband and mother, from whom the witness claims to have heard, could easily have been questioned. But even if we grant that Celia Matus chose the church of St. Francis for her funeral

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(in this case, it is not about burial), it is demonstrated in three respects that Father Naranjo usurped the rights of the parish priest: namely, by common law, by synodal law, and by a convention made at the diocesan synod. 1. By common law. The Sacred Congregation of the Eastern Churches and the Regulars, in an instruction given in the Compostellan case, dated August 1, 1902, when dealing with a deceased person who had chosen to be buried among the Regulars, whose body was to be taken directly to the public cemetery, stated: "1) The parish priest is..."

[*Latin ed. p. 265*]

S. Romana Rota 265: "To carry [the body], to remove it from the house, and to lead the funeral procession to the gate of the public cemetery. 2) To the religious of the church pertains the right to perform the proper funeral rites within their own church; together with the parish priest, they may go from the parish church to the house of the deceased, and, with the body being carried by the parish priest, they may proceed to the public cemetery; however, if they wish, they may wait at the gates of the cemetery, without being obliged to participate in the funeral procession. 3) Likewise, it pertains to the religious to receive the body at the gates of the cemetery, and to perform all that is customarily done in connection with the burial of the deceased. And thus it was ordered, notwithstanding any contrary provisions." These are fully in agreement with the response given by the same Sacred Congregation in Nepeta on December 11, 1815, as reported in the Collectanea of Cardinal Bizzarri, page 244: "Only the parish priest is permitted to sprinkle the bodies (before they are taken from the house) with blessed water, to chant the antiphon 'Exultabunt Domino,' and to proceed with a stole" (S. C., December 20, 1828; Bouix, p. IV, cap. 10, § 2. Cf. D'Annibale, Summ. T. M., vol. III, n. 176 and note (80), ed. IV). Indeed, Father Naranjo not only performed the proper funeral rites in the church of the monastery, but also removed the body of Celia Matus from the house and led the funeral procession, without the knowledge of the parish priest, and even in opposition to him. 2. Father Naranjo also transgressed the diocesan law, to which, as we have demonstrated above, he should have conformed. The Synod of St. James, in article 533, as cited above, states: "For a priest, other than the parish priest, to be able to perform funeral rites and to provide a religious burial, the following conditions must be met: 1) That the said parish priest be notified of the disposition or other cause, by reason of which the burial of the deceased does not pertain to him; 2) That he be given the necessary information to record the entry in the book of the deceased; 3) That he be paid the parish fees for the funeral, according to the established tariff; 4) That the said parish priest declare that the deceased is not unworthy of ecclesiastical burial, etc." All of these things Father Naranjo neglected to do, indeed, he refused to do them. Therefore, the penalty applied to him by the diocesan ordinary was

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justified, as prescribed in article 743 of the same synod, namely: "...that he who celebrates funerals, without being entitled to do so, according to the canonical or diocesan regulations, shall not receive for himself, nor for his church or community, the emoluments or oblations that are given to him. To this effect, he must deliver whatever he has received, after deducting the expenses, to the parish priest or to the proper church (understood as the church of the deceased)." Even though Celia Matus could have chosen the Franciscan church for her funeral, she could not, nevertheless, derogate from the law, nor disregard the rights and duties of the parish priest, nor could Father Naranjo avoid obedience to the Synod.

[*Latin ed. p. 266*]

•266 Act of the Apostolic See - Official Commentary 3. Significant considerations are raised, as stated in diocesan document number 5: "... that the diocesan synod, held in this city in the year 1895, 'is ecclesiastical law, which binds the Regular clergy existing in this diocese, since their provincials and superiors were invited and participated in its discussion and approval, as appears from the records of its sessions.'" Given this premise, the Regular clergy are bound to observe the prescriptions of the diocesan synod, even by virtue of the agreement (which existed between the Regular clergy and the diocese), to which both parties must adhere, unless it is dissolved by the mutual consent of both parties; according to the rule of law (number 21): "what has once been agreed upon, cannot subsequently be disapproved." Indeed, Pope Leo XIII, in the Constitution *Dum intra*, dated December 19, 1886, § 8, states: "Agreements and conventions between these same brethren (mendicants) and prelates and pastors, for the time being, are valid, unless they are rejected by the subsequent general or provincial chapter, and such rejection is duly initiated by them." (Cf. Wermaersch, vol. 2, p. 377; cf. also Pihring, vol. 1, title 32, no. 13). "By all law," says Ursaja (Disputations, vol. 8, p. II, "dis. 3, no. 4), "it is permitted for the Regular clergy to agree with the parish priests regarding funeral matters, as decided by the Sacred Congregation of the Eastern Churches and the Holy Roman Church, as reported and followed by Pignatelli (Consultations 50, throughout and significantly, no. 1, volume 3, there): Whether the Regular clergy can agree with prelates, etc.: 'The Sacred Congregation of the Eastern Churches and the Holy Roman Church decided affirmatively in Fermo in the year 1606,' which confirmed such an agreement. Indeed, it has been decided on several occasions: 'The Regular clergy are bound to observe such an agreement,' as follows Pignatelli (loc. cit.), and in the year 1642 it was declared: 'The Regular clergy are bound to observe the aforementioned agreement.'" In our case, Provincials and other superiors of the Franciscan Order worked on drafting the synodal constitutions, and they approved them, as was appropriate. It cannot be alleged, through the favor of Father Naranjo, a custom contrary to the law, as the defender claims

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(Restrictions on fact and law, p. 17), because the Sacred Congregation of the Eastern Churches and the Holy Roman Church expressly and solemnly condemned it in its general decree of January 12, 1604 (Cf. Bizzarri, Collectanea). Therefore, having carefully considered all of these matters, in law and in fact, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and with only God before our eyes, declare and definitively pronounce our judgment, answering the proposed questions: To Question I, negatively, or it does not appear that the judgment in this case is null. To Question II, affirmatively, or it belongs to the parish priest Luciano Vargas the funeral emoluments of which in this case, after deducting expenses. We pronounce this judgment, condemning the appellant to pay all judicial expenses.

[*Latin ed. p. 267*]

267 We command the Ordinaries of the places and the ministers of the tribunals to whom this pertains, that they enforce this our definitive sentence, and that they proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXI, concerning reform, of the Council of Trent; and that they employ executive and coercive means, which they shall judge to be more efficacious and suitable, according to the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the fifteenth of November in the year 1916. Fridericus Cattani-Amadori, President. Petrus Rossetti. Raphael Chimenti. L. * S. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary.

[*Latin ed. p. 268*]

268 Acta Apostolicae Sedis - Official Commentary of the DIARY OF THE ROMAN CURIA, Sacred Congregation of Rites, Tuesday, April 30, 1918, before the Most Reverend and Venerable Cardinal Anthony Vico, Promoter of the Cause of Beatification and Canonization of the Venerable Servant of God, Peter Julian Eymard, Founder of the Congregation of Priests of the Most Holy Sacrament, the Congregation of Sacred Rites, preparatory in nature, was held, in which the Reverend Prelates and Theological Consultants discussed the question concerning the heroism of the virtues exercised by the aforementioned Venerable Servant of God. On Tuesday, May 7, 1918, in the Apostolic Palace at the Vatican, the Ordinary Congregation of Sacred Rites was held, in which, for the judgment of the Most Reverend and Venerable Cardinals who comprise the same, the following matters were presented: 1) The introduction of the Cause of Beatification and Canonization of the Servant of God, William Joseph Chaminade, Priest, Founder of the Society of Mary. 2) The approval and granting of the Office and Mass in honor of the Most Holy Mary under the title "of the Pillar," Patroness of the city of Cosenza. 3) Concerning the revision of the writings of the Servant of God, Gemma Galgani; 4) And of the writings of the Servant of

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God, John Pelingotto, of the Third Order of St. Francis, called Blessed; 5) And of the writings of the Servant of God, Mary Aikenhead, Founder of the Irish Sisters of Charity; 6) And of the writings of the Servant of God, Ugolino of Gualdo Cattaneo, of the Augustinian Hermits, called Blessed. On Tuesday, May 14, 1918, in the Apostolic Palace at the Vatican, with the participation of the Most Reverend and Venerable Cardinals, and with the votes of the Reverend Prelates, Officials, and Theological Consultants, who comprise the Congregation of Rites, a New Preparatory Congregation was held to discuss four miracles, which are asserted to have been wrought by God through the intercession of the Venerable Lodovica de Manilae, widow Le Gras, Co-foundress of the Daughters of Charity; these miracles are proposed for the Beatification of the same Venerable Servant of God.

[*Latin ed. p. 269*]

From the Diary of the Roman Curia, 269. SECRETARY OF STATE. By order of the Secretary of State, His Holiness has deigned to appoint: February 28, 1918. The Most Reverend Cardinal Ludovico Dubois, Emeritus Member of the Roman Academy of Saint Thomas Aquinas. March 26. The Reverend Professor Andrea M. Micheletti, Consultor to the Holy Congregation for Seminaries and Universities. April 30. The Reverend Father Francesco Tomasetti, General Inspector of the schools of the Pious Salesian Society, Consultor to the Holy Congregation for Seminaries and Universities. May 17. The Most Reverend Cardinal Gaetano De Lai, Protector of the Company of the Patronage of the Most Blessed Virgin "of the Pillar" in Lendinara, diocese of Rovigo. May 19. The Reverend Father Isidoro Donzella, O.S.B., Consultor to the Supreme Holy Congregation of the Holy Office. By Apostolic Briefs, His Holiness has deigned to appoint: Assistant to the Papal See: May 26, 1918. Monsignor Disma Marchese, Bishop of Acqui. Apostolic Protonotary, as if among the participants: May 1, 1917. Monsignor Giuseppe Lesar, of the diocese of Laibach. Domestic Prelates of His Holiness: June 2, 1917. Monsignor Gabriele Csekò, of the archdiocese of Agria. July 21. Monsignor Luigi Eberhart, of the diocese of Bressanone. August 25. Monsignor Alessandro Ernszt, of the archdiocese of Strigonia. December 18. Monsignor Lorenzo Kennedy, of the diocese of Sacramento. December 20. Monsignor Paolo Amon, of the archdiocese of Colocza.

[*Latin ed. p. 270*]

270, "Acta Apostolicae Sedis - Commentarium Officiale."

January 23, 1918. Monsignor Celestino Kompanyik, of the diocese of Scepusio.

May 25. Monsignor Ferdinando Pawlikowski, director of the Castrense Consistory in Austria.

April 30. Monsignor Andrea Vagas, superior of the Castrense in Cassovia.

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May 17. Monsignor Pietro Bonfiglietti, of the diocese of Tivoli.

Monsignor Girolamo Mauri, of the diocese of Rimini.

Monsignor Omero Cloutier, of the archdiocese of Québec.

HONORS

With Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Plaque of the Order of Saint Pius: April 27, 1918, to Mr. Attilio Ambrosini of Rome.

The Grand Cross of the Order of Saint Gregory the Great, civil class: May 25, 1918, to Raja Francesco Saverio Rikh, of Tajpur.

To Kumar Silvestro Norberto Rikh, of Tajpur.

The Commanderate of the Order of Saint Gregory the Great, civil class: June 2, 1917, to Mr. Stanislao Piékarski, of the archdiocese of Leopoli of the Latin rite.

July 15. To Mr. Stefano Jékey de Buly e Jéke, of the diocese of Szathmár.

November 9. To Mr. Giuseppe de Salomon, of the diocese of Leitmeritz.

April 26, 1918. To Mr. Alessandro Bosman, of Rome.

The Knighthood of the Order of Saint Gregory the Great, civil class: December 13, 1917, to Mr. Giuseppe Angster, of the diocese of Cinque Chiese.

To Mr. Lorenzo Grill, of the diocese of Spira.

April 30, 1918. To Mr. Camillo Boccolari, of the archdiocese of Modena.

May 23. To Mr. Giuseppe Dufour, of the same archdiocese.

To Mr. Maurizio Bruzzo, of the same archdiocese.

The Grand Cross of the Order of Saint Sylvester Pope: May 22, 1918, to Mr. Virginio Iacoucci, a lawyer, of Rome.

[*Latin ed. p. 271*]

From the Roman Curia Diary, 271: The Commandery with the Insignia of the Order of Saint Sylvester, Pope: December 1, 1917: To Mr. Carlo, of the Counts of Arco, of the archdiocese of Olmütz. The Commandery of the Order of Saint Sylvester, Pope: May 3, 1918. To Mr. Furio Franceschini, residing in São Paulo, Brazil. To Mr. Giovanni Battista d'Arce, residing in the same city. May 22. To Mr. Knight Gustavo Dufour, of the archdiocese of Genoa. The Knighthood of the Order of Saint Sylvester, Pope: December 15, 1917. To Mr. Ludovico Schneider, of the diocese of Spira. To Mr. Giovanni Fernekess, of the same diocese. To Mr. Ludovico Husse, of the same diocese. To Mr. Matteo Bauer, of the same diocese. May 10, 1918. To Mr. Leopoldo Werz, residing in Berna.

THE PAPAL HOUSEHOLD

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With tickets from His Eminence, the Reverend Monsignor, the Papal Household, the Holy Father has deigned to appoint:

Secretaries *extraordinary* to His Holiness:

May 16, 25, 4

May 14, 16, 17

April 25, 1918.

Monsignor Giovanni Ermanno Selten, of the diocese of Bois-le-Duc.

Monsignor Fiorenzo Canuti, of the diocese of Città della Pieve.

May.

Monsignor Francesco Saverio da Silva, of the diocese of Goyaz.

Monsignor Pietro Soracco, of the diocese of Chiavari.

Monsignor Enrico Sarcano, of the diocese of Novara.

Monsignor Edoardo Brust, of the diocese of Münster.

Monsignor Ferdinando Trinchieri, of the archdiocese of Torino.

Monsignor Donato Pagano, of the diocese of Bovino.

Monsignor Stefano Corbini, of the archdiocese of Siena.

Monsignor Alberto Marelli, of the same archdiocese.

Monsignor Carlo Chiarlo, secretary of the Apostolic Nunciature in Peru.

[*Latin ed. p. 272*]

Acta Apostolicae Sedis - Official Commentary 272 Chamberlain of Honour in peacock blue attire of His Holiness: 23 27 » 2 4 » 10 April 1918. Monsignor Pietro Andrucci, of the diocese of Borgo San Sepolcro. » » Monsignor Michele Gurrera, of the diocese of Galtanissetta. » » Monsignor Canio Polestra, of the diocese of Conza. May » Monsignor Pier Felice Biglia, of the diocese of Cuneo. » » Monsignor Brunone Alberdi Zugadi, of the diocese of Goyaz. » » Monsignor Gioacchino Confucio de Amorim, of the same diocese. » » Monsignor Luigi Braccetti, of Rome. » » Monsignor Carlo Morra, of the diocese of Asti. Chamberlains of Honour of Sword and Cape, extraordinary of His Holiness: 18 February 1918. The Most Noble Count Paolo D'Artet, of the diocese of Liegi. 24 April » The Reverend Doctor Professor Domenico Severi, of the archdiocese of Modena. » » » The Reverend Doctor Gian Battista Rossi Veratti, of the same archdiocese. Secret Chamberlain of Honour of His Holiness: 17 May 1918. Monsignor Antonio Camilli, of the diocese of Aquino. NECROLOGY April 17, 1918. Monsignor Armengaudio Coli, titular bishop of Tignica, apostolic vicar of Fernando Poo. May » Monsignor Francesco Egger, bishop of Bressanone. » » Monsignor Adolfo Medlycott, titular bishop of Tricornia.

[*Latin ed. p. 273*]

Year X - Vol. X, 1st of July, 1918, No. 7. ACTA APOTOLICAE SEDIS, Official Commentary. ACTA OF POPE BENEDICT XV. LETTER I

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TO SAINT ANDREW AND OTHERS. S.R.E. CARDINAL FERRARI, ARCHBISHOP OF MILAN, AND THE BISHOPS OF THE INSUBRI REGION, CONCERNING A COMMON AND MOST GRACIOUS LETTER, OFFERING THANKS.

Beloved sons and venerable brothers, greetings and the apostolic blessing.

The letters which you, on the 25th of April last, jointly addressed to Us, brought Us a considerable solace amidst the many sorrows of these times. For, having assembled all those who are prelates of the churches of the Insubrian province, you readily perceived that the Father could not be absent from the assembly of brothers; and therefore, with ardent hearts, you recalled Our presence among you, confirming Our union and bond with you in noble words, saying: "The more that the enemies of the Christian name, by the subversion of public order, oppose the supreme authority of that Christ Jesus, whom God has placed as Master and Defender of justice."

Indeed, beyond the unspeakable horrors of this war, the like of which has no precedent in all of human history, and which seems to drive wretched Europe to utter ruin, We are greatly grieved by the most grievous calumnies and attacks of hatred, with which, especially within the confines of Italy, both Our person and Our works are assailed.

[*Latin ed. p. 274*]

274 Acta Apostolicae Sedis - Commentarium Officiale. To the human race, soaked as it is with its own blood, We are permitted to borrow, with sincere heart, the words of sacred books: "What is there that I ought to do more to my vineyard, that I have not done to it? Was it that I looked that it should bring forth grapes, and it hath brought forth wild grapes?" (Isaias, V, 4). With the war having arisen, which We would have preferred to avoid for the common good, We have omitted nothing, and left nothing undone, that We could, in order to mitigate and lessen the most grievous effects of the war; frequently, and especially in the consistorial address which We gave at the beginning of the year 1915, and more expressly even on the day of December 4 of the following years, We have vehemently condemned all violations of the law, wherever they may have been committed, as We now again condemn them; finally, We have striven to hasten the end of this immense calamity through exhortations, supplications, acts of penance, and proposals for a just and mature peace. Nevertheless, you know well, Our beloved sons and venerable brothers, the inept and absurd calumnies, which are spread openly, secretly, by words, by writings, far and wide. It is said that We desire war in the fields and in the villages, where a more acute and therefore more humane and reverent sorrow is found; but that We desire peace in the cities, but an unjust peace, suited only to one part of those who are fighting. Our words are distorted; suspicion is cast upon Our thoughts and intentions; even Our silence is interpreted unfavorably

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regarding each and every crime, as if, in such a state of ambiguity of things and passions, it is entirely permissible for everyone to pursue whatever condemnations they wish, which, having been condemned by a common principle, have long ago been rejected by a more just judgment. And this hatred and its dissemination is not confined to Us alone, but also the most virtuous and illustrious priests and bishops are unjustly called into question regarding their loyalty to their country; indeed, efforts are made to harass, defame, and bring them to justice through the most unjust methods of vexation and denunciation. Consequently, while Italy, at the present time, needs peace and concord above all among all its citizens, enemies of the Christian name, taking advantage of this very time, seek to stir up the minds of the uneducated and simple people against this Chair of Truth and Justice, against the clergy, against Catholics, sowing the seeds of discord among the various classes of citizens. This great perversity affects Us with the greatest sorrow, and it is not unknown to Us, nor can it depress or weaken Our spirit; but, since We have been called by the secret counsel of Divine Providence to govern the Church, it is Our most serious duty to defend the sanctity and honor of that same Church.

[*Latin ed. p. 275*]

Acta Benedicti PP. XV 275: Concerning which matter, to counteract this dissemination of detraction and hatred, We again raise Our voice in Our ministry to you, Our beloved sons and venerable brothers, and We proclaim this to the conscience not only of the faithful, but also of all honest men. It is your duty, as it is the duty of all other bishops and of the entire clergy, especially of those priests who have charge of souls, to protect the Christian people from the enemy, and to teach the faithful the truth of things, so that they may never depart from the bosom of the benign Mother Church, but may always adhere to Her and to Her supreme Pastor, who has been appointed by God Himself as the guardian of truth, justice, and charity, the anchor of hope, the port of peace and tranquility. We earnestly implore that heavenly assistance may be present in your labors, and as a witness also of Our benevolence, We impart to you and to each one of your flock the apostolic blessing which We bestow with the greatest affection in the Lord. Given in Rome, at St. Peter's, on the twenty-second day of the month of May, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV. TO THE REVEREND FATHER FRANCIS JOSEPH BONNEFOY, ARCHBISHOP OF AQUENSEM, WHO IS COMPLETING SIXTY YEARS OF PRIESTHOOD AND TWENTY-FIVE YEARS OF THE EPISCOPATE, GREETINGS AND APPRECIATION. Venerable brother, greetings and the apostolic blessing. We have learned that the day of the turning of this month will be a joyous one for you, as you will celebrate both the sixtieth anniversary of your priesthood, which you undertook, and the twenty-fifth anniversary of your episcopate. We gladly congratulate you, together

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with your clergy and people. For you have always fulfilled the duties of a good pastor, shining with virtue and diligence, and you have not only earned great merit with Us, but have also gained Our considerable favor. Therefore, while We embrace you with paternal affection, We give thanks to God for your well-being; and We earnestly pray that He may grant you all things prosperous and salutary also in the future. And that a more abundant fruit of souls may spring forth from this happy occasion, We grant you the faculty of granting a Plenary Indulgence once, under the usual conditions, when it seems opportune. And We hope...

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis - An official record, a witness to the principal works of heavenly grace and our supreme charity: may the apostolic blessing, which we impart to you, venerable brother, and to your entire clergy and people, whom we love most dearly in the Lord, be a blessing. Given in Rome, at St. Peter's, on the twenty-fifth day of the month of May, in the year 1918, in the fourth year of Our Pontificate. BENEDICT XV.

TO THE MOST REVEREND ARCHBISHOP OF BENEVENTO, MONSIGNOR ASGALBSI, AND TO THE OTHER BISHOPS OF THE SAME ECCLESIASTICAL PROVINCE, WHO COMMONLY SENT THE LETTER.

Beloved sons and venerable brothers, greetings and the apostolic blessing.

The outstanding zeal with which you and We strive to fulfill our desires and to benefit your dioceses is evident from the common letters which you recently sent to Us: from which We learned of the sentiments of gratitude and appreciation that the promulgation of the Code of Canon Law has aroused in you. Since you have ascertained that those things are being carried out more successfully which are established with the help of counsel, you rightly did, in your annual meeting, what was necessary, namely, to introduce for use, at the proper time, certain chapters of the law, of which the greater number were needed. This, as you easily understand, happened to Us as well.

Moreover, in the divine work of promoting the Christian cause, We have never doubted that your diligence is desired. Furthermore, We greatly appreciate the efforts you have made for Our cause: and We pray in return that God may abundantly enrich the work of your ministry with the dew of His grace. And as a witness to the heavenly favor of the principal works and the supreme benevolence of Our own, We impart to you, beloved sons and venerable brothers, and to your entire clergy and people, whom We love most dearly in the Lord, the apostolic blessing.

Given in Rome, at St. Peter's, on the thirtieth day of the month of May, in the year 1918, in the fourth year of Our Pontificate.

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BENEDICT XV.

[*Latin ed. p. 277*]

Acts of Pope Benedict XV, number 11, addressed to the Doctors of the Pontifical Athenaeum of Benevento, who had expressed their gratitude and obedience after the promulgation of the Code of Canon Law.

Beloved sons, greetings and the apostolic blessing. — We have received with great pleasure the letters from you. In them, we have perceived the utmost obedience with which you have embraced the promulgation of the Code of Canon Law; and this, which corresponds to Our expectations, is worthy of your piety. Certainly, it is a most important and outstanding task for any Pontifical Academy to carefully instruct the sacred youth in obedience to this Apostolic See; and we rejoice that this Athenaeum flourishes in this regard. As for Peter of Benevento, who is mentioned in the preface of the Code, because he diligently assisted Our predecessor, Innocent III, in the collection of the Decretals, he deserves, indeed, to be praised; and you have a domestic example of doctrine proposed to you for imitation. May God, "Lord of the sciences," illuminate your studies with His light; and may the apostolic blessing, which we bestow upon you with a benevolent heart, each of you, beloved sons, and upon the students of your institution, be a foretaste of the best fruits.

Given at Rome, at St. Peter's, on the third day of the month of June, in the year 1918, in the fourth year of Our pontificate.

BENEDICT XV

To the Reverend Father Innocent Lopez, General Vicar of the Order of Mercy, concerning the approaching anniversary of the founding of the Order, seven hundred years.

Beloved sons, greetings and the apostolic blessing. — While the hatreds among peoples and the immensity of ruins terrify the eyes and sadden the hearts, it is opportune that the celebration of the secular festivities with which you are preparing to be held, to which we are called to witness the wondrous spectacle of charity. Indeed, those events which, according to reports, occurred divinely in Barcelona at the beginning of the year 1218, are worthy of being remembered above all.

[*Latin ed. p. 278*]

278 Acta Apostolicae Sedis - The official commentary, not only because the beginnings of your Order were consecrated at that time, but also because the benevolence of the Most Reverend N. Mariae, always ready to assist the Christian people, even in the most serious circumstances, shone forth brilliantly. Indeed, the most holy Mother of God, with two holy Fathers, Peter and Raymund, and also James, King of Aragon, through her

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presence and her words, encouraged them to found the Mercedarian Order, a benefit which greatly affected the Christian cause, the magnitude of which can be measured by the miserable condition of the Christians who, in one way or another, had fallen into the hands of the Saracens. Not only did these most inhumane enemies abuse them as if they were mere things, but they also exercised every kind of cruelty against them, as if they were addicted to a religion most hateful to them. Therefore, it is scarcely possible to express how great was the expectation aroused among your members, who, to obtain their freedom, made their own vow, promising to give themselves as hostages to the infidels, if necessary, and even to die, following the example of the Lord Jesus Christ, for their brothers, so that it could be said of your Institute: "No man hath greater love than this, that a man lay down his life for his friends." You have never failed in this purpose, as long as the disgrace of this servitude remained, as history clearly testifies, which has preserved the memory of many of your members for posterity. First among these is Peter of Nolascus, who, having laid the foundations of your Institute, and having devoted a considerable family fortune to it, furthermore, traveled throughout all of Spain on several occasions, to collect funds, and it never happened that he did not provide "even what was necessary to support the brothers," and thus procure the freedom of the captives. We learned that Raymund of Nonnatum was held as a hostage among the infidels, and although his lips were held together with a transverse gag, he did not cease to profess the faith of Christ. How great was the ardor of charity in Serapione and in Peter Pascasio: one of whom was flayed alive, and the other was beheaded, performing a divine work. Although what individual events should we recall, when there are one thousand five hundred of your members who have suffered martyrdom for the faith and for the redemption of captives? It is also important to note that the religious women founded by St. Maria de Cervellione competed with you in pursuing this most noble purpose. You have not considered any work of charity to be foreign to your Institute; of which your predecessor, Alexander I, said: "These men strive with all their might to provide for the needs of the poor and the sick who come to them from all sides." Let us omit the others, but it is certainly necessary to mention John Gilabert, who founded in Valentiae a distinguished hospital "for abandoned children, for the insane, and for others who are neglected." It is a long account of the apostolic works in...

[*Latin ed. p. 279*]

The acts of Pope Benedict XV, page 279, record that your Order, striving to extend the Kingdom of Christ, pursued its labors even among the most bitter enemies of the Christian name, among whom faithful were held captive, and that, after the discovery of America, you endeavored to spread the light of the Gospel even in those vast regions. Indeed, monuments of these

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benefits are found throughout the Latin American countries, and for this reason, we see that the Most Blessed Virgin of Mercy has been chosen as the patroness of the Republics of Peru and Ecuador, while in Argentina, they proclaim her as the supreme leader of their forces. It is not surprising that our predecessors have often praised and bestowed great privileges upon an Order that has deserved so well of the Church and of civil society; all the more so, because such merits have earned it a special place in the regard of this Apostolic See.

These things, we have gladly considered, as the seven hundredth anniversary of your Order approaches; and we rejoice that the peoples who have benefited from it will celebrate this auspicious event with you; and, above all, the most noble city of Barcelona, which reverently preserves the image of the Blessed Virgin of Mercy, will participate, led by the honor of His Catholic Majesty, King Alfonso XIII of Spain, with his august consort. In these solemnities, we greatly desire that the entire Christian world be commended to the Divine Mother, so that, as she has so wonderfully aided the captives, she may also obtain for us the end of this most cruel war. We urge all who venerate the Blessed Virgin of Mercy to pray for this, and we, who have worn her holy scapular since our youth, grant to each one, who piously uses this formula, either "Redemptrix captivorum, ora pro nobis" or "Piissima Mater de Mercede, ora pro nobis," three hundred days of indulgence.

You, our beloved sons, to whom it has been granted by divine providence to have the Mother of God as the author of your family, consider the honor with which you are invested, and be mindful of the duties to which you are bound, remembering those constitutions of your local community: "Although we are all devoted to the feet of the Most Blessed Virgin Mary, Mother and Founder of our Order, we nevertheless consider it most fitting and worthy to acknowledge her benefits towards our Order." Therefore, let this Order, renowned for its heavenly origin, always be adorned with fitting virtues, and, following the footsteps of your predecessors, strive for the Church. In these changing times, the shameful captivity of bodies is no longer the greatest threat to Christians; rather, a different servitude, and one far worse, holds many captive: the servitude of the soul, with the insidious plague of deadly errors and the wickedness of sects invading all things. Therefore, the field of charity is much wider; in which, we know, you labor fruitfully, whether by shaping the morals of children, by giving catechesis to the people, or by those things that pertain to the spirit.

[*Latin ed. p. 280*]

280 Acta Apostolicae Sedis - Official Commentary on the administration of public institutions and hospitals, where the work of your Sisters is also praised. But, nevertheless, we are confident that these secular celebrations, and also the upcoming general meetings of the Order, with the favor of the

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Virgin Mary, will contribute greatly to fostering this zeal for virtue in you. And as a witness to the heavenly blessings and Our special benevolence, We impart to you, beloved son, and to all who belong to this religious family, Our paternal apostolic blessing. Given in Rome, at St. Peter's, on the fourth day of the month of June, in the year 1918, in the fourth year of Our Pontificate. BENEDICT XV. To the Most Reverend Fathers, Cardinals, JOHN BEDA, Archbishop of PERUSINUM, PETER PACIFICI, Archbishop of SPOLETANUM, and other Bishops of the region of UMBRIA, to whom these most diligent letters were sent from ASSISI. Venerable brothers, greetings and the apostolic blessing. — Your singular piety and devotion are evident from the letters we have received concerning the upcoming gathering in Assisi; this is not unknown to Us, but is nonetheless most pleasing. We have perceived how diligently you, amidst such difficult circumstances, have sought to alleviate Our concerns; all the more so because you strive to fulfill Our duty of consoling, with diligent efforts and prayers offered to God. For, since the promulgation of the Code, nothing has been more important to you than, after receiving Our counsel, to implement the prescriptions that are most suitable to achieve the desired results; and we praise this zeal, and we are certain that it will not fail in the future. Concerning the Sacred [event], which will take place soon, on the feast of the Princes of the Apostles, we are pleased to hear, as you write, that all the priests in Umbria will be willing to obey Our will. May it be so, that just as that seraphic man, your predecessor, in a time not dissimilar to this, calmed the citizens who were fiercely fighting among themselves by preaching Christian charity, so may it be granted to Us to extinguish these great hatreds among the people with the power of the Blood of Jesus Christ. And as a witness to the heavenly blessings and Our special benevolence, We impart to you, venerable brothers,

[*Latin ed. p. 281*]

Acts of Pope Benedict XV, 281, to the clergy and people: We impart, with the greatest affection in the Lord, the apostolic blessing to you. Given in Rome, at St. Peter's, on the tenth day of the month of June, in the fourth year of Our Pontificate. BENEDICT XV.

TO THE MOST REVEREND FATHERS, NATALE BRUNI, ARCHBISHOP OF MUTINE, AND THE OTHER BISHOPS OF EMILIA, WRITING IN REPLY TO LETTERS WHICH THEY SENT FROM THE MEETING AT MUTINE, CONCERNING MATTERS OF UTMOST IMPORTANCE.

Venerable brothers, greetings and the apostolic blessing.

Your letter, which you wrote in Mutine, having been brought together for matters of importance, has been received with gratitude. We do not say that it was pleasing, since these are most sorrowful times. We especially loved that part of the letter in which you expressed, with such words, your desire to follow the efforts that We have long been making, or are now making, to

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promote peace or to alleviate the sufferings of war, so that it should be clear that you share Our concerns, and that you are also striving, as far as it is in you, to support this very effort with holy prayers to God; both are worthy of your piety, but the latter is more pleasing to Us, because it is more necessary, this study of promoting peace. Therefore, We are greatly pleased that you promise that all the priests of your dioceses will, at the upcoming feast of the Principal Apostles, pray with you according to Our intentions. We also appreciate the significance of the observance with which you received the promulgation of the Code of Canon Law. Therefore, strive diligently that these laws may, in your churches, fully bear fruit in the confirmation of discipline. As a pledge of divine blessings and a witness of Our special benevolence, We impart to you, venerable brothers, and to the entire clergy and people under your care, the apostolic blessing, with great affection in the Lord.

Given in Rome, at St. Peter's, on the tenth day of the month of June, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 282*]

Acts of the Apostolic See – Official Commentary

ACTS OF THE HOLY CONGREGATIONS

SUPREME SACRED CONGREGATION

SACRED OFFICE

DECREE CONCERNING CERTAIN PROPOSITIONS REGARDING THE KNOWLEDGE OF THE SOUL OF CHRIST

Thursday, the 5th day of June, 1918.

A doubt presented by the Sacred Congregation for Seminaries and for Universities of Studies: Whether it can safely be taught that the following propositions:

I. It is not certain that there was in the soul of Christ, while He was living among men, a knowledge, as the blessed [ones] have, or as those who comprehend [things].

II. Nor can it certainly be stated that the opinion, which holds that the soul of Christ knew nothing, but from the beginning knew all things in the Word, past, present, and future, or all things that God knows by the knowledge of vision, is true.

III. The opinion of some more recent writers regarding the knowledge of the soul of Christ, which is limited, is not less to be received in Catholic schools than the opinion of the ancients regarding universal knowledge.

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The Most Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, having heard the opinion of the Most Reverend Consultors, decreed: Negatively.

On the following day, Friday, of the same month and year, during the customary audience, having been informed by the Reverend Father, Assessor of the Sacred Office, and having made a report to His Holiness, Pope Benedict XV, His Holiness approved the decision of the Most Eminent Fathers, confirmed it, and ordered it to be made public.

Given at Rome, from the offices of the Sacred Office, on the 7th day of June, 1918.

Aloisius Castellano, Secretary of Breves and Universal Notifications.

[*Latin ed. p. 283*]

SACRED CONSISTORY.

SACRED CONGREGATION.

DECREE.

To the Cathedral Chapter of Biella, certain privileges are granted.

In order that the Cathedral Chapter of Biella might demonstrate its apostolic zeal and make manifest to the Roman Canons how highly it esteems their observance in the acceptance of pontifical decrees and innovations, by which the worship of the Blessed Virgin Mary in the celebrated sanctuary of Oropa has been better ordered and promoted, the Most Holy Pope Benedict XV, of blessed memory, willed and decreed that the aforementioned Cathedral Canons of Biella should also be designated with the title of Canons of the Basilica of the Blessed Virgin Mary of Oropa. Furthermore, His Holiness decreed that these Canons, both in the Cathedral of Biella and in the aforementioned Basilica of the Blessed Virgin Mary of Oropa, and whenever they proceed collegially, may wear a gold medal, bearing the image of the sacred lion of the Blessed Virgin Mary of Oropa, suspended from the neck. Moreover, the same Most Holy Pope ordered that the present consistorial decree be issued: notwithstanding any contrary provisions whatsoever.

Given at Rome, from the offices of this Sacred Consistory, on the 12th day of June, 1918.

† J. C. CARD. DE LAI, Bishop of Sabina, Secretary.

† S. F. V. SARDI, Archbishop of Caesarea, Assistant.

II. DESIGNATION OF CERTAIN ORDINARIES FOR APPEALS ACCORDING TO CANON 1594, § 2.

Since, according to the prescription of canon 1594, § 2, it is established

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that "in cases heard in the first instance before the Metropolitan, appeal shall be made to the local Ordinary, whom the Metropolitan himself, with the approval of the Apostolic See, shall once and for all designate,"

[*Latin ed. p. 284*]

284 Acta Apostolicae Sedis - Official Commentary. The Most Reverend Patriarch of Venice has designated the Ordinary of Padua. The Most Reverend Archbishop of Genoa, the Ordinary of Savona. The Most Reverend Archbishop of Golocë and Bagsi, the Ordinary of Gsanadie. His Holiness, Pope Benedict XV, having heard the report of the Eminent Secretary of the Sacred Congregation of the Consistory, deigned to approve the aforementioned appointments.

III. NOTIFICATION. It is made known to all concerned that since the year 1908, a certain individual calling himself Albert Biondi has been wandering in the United States of America. He, wearing clerical attire, sometimes claims to be a priest from the diocese of Boiano in Italy, and at other times, he declares himself to be a religious of the Order of Saint Benedict. He collects offerings for Masses and, often by presenting false documents, has obtained permission to celebrate Mass and to exercise the sacred ministry. However, after investigations, it has been determined that this unknown individual is not recognized by either the diocese of Boiano or by the superiors of the Order of Saint Benedict. Ordinaries are warned to be wary of him.

IV. PROVISIONS REGARDING CHURCHES. By decrees of the Sacred Congregation of the Consistory, His Holiness, Pope Benedict XV, has provided for the following churches, namely:

June 11, 1918. – To the titular archbishopric church of Iconium, he appointed the Reverend Father Peter Di Maria, formerly the Bishop of Catacena, who had renounced his position as Apostolic Delegate in the province of Canada and Terra Nova.

June 18. – To the cathedral church of Fuligno, the Reverend Stephen Corbini, a canon of the metropolitan church of Siena.

June 18. – To the cathedral church of Saint Aloysius of Maragnano, the Reverend Father Helvetius Gomes de Oliveira, who is already the Bishop of Corumbá.

June 18. – To the cathedral church of Aberdeen, the Reverend George Bennet, the parish priest of the place called "Hawick" in the archdiocese of Saint Andrew and Edinburgh.

June 20. – To the cathedral church of Thelesina, or Cerretana, the Reverend Joseph Signore, a canon of the cathedral of Lecce and the rector of

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the seminary.

[*Latin ed. p. 285*]

The Holy Congregation of the Council, concerning the Missa pro Populo (Mass for the People), dated June 12, 1917, and February 9, 1918. To the three parish priests of the parish church of St. Mary of Graces, located in the town of St. John in Fiore, within the Archiepiscopal See of Consentia, the Archbishop commanded that each priest celebrate a Mass for the people, every Sunday and on feast days, notwithstanding a deplorable custom to the contrary, to the extent that one of them, in turn, had previously celebrated a Mass for the people. Against this mandate of the Archbishop, the parish priests appealed to this Holy Congregation, and the matter to be discussed is presented under the doubt: *Species Facti*. Does the custom persist in this case, regarding the application of a Mass for the people in turn? In favor of the parish priests, the following arguments are presented: The existence of a deplorable custom in this case is already beyond dispute; therefore, its force and efficacy must be carefully considered, unless it can be proven that this custom itself is also reprobated. However, in the matter of the application of Masses, no other custom is found to be reprobated, according to the Constitution *Cum semper oblatas*, of August 19, 1744, § V, except for the case where, on feast days, no priest at all applies a Mass for the people in a particular parish. Furthermore, this inconvenient situation does not occur in our case. For although each priest in the town of St. John in Fiore has his own designated and distinct parishioners within the territory, nevertheless, there is only one parish in the town: this is demonstrated not only by the fact that there is one title, one parish church, one baptismal font, and that, in turn, each priest performs strictly parochial functions; but especially by historical documents, which show that in ancient times, this parish was a Prelature without a bishop, where the care of souls belonged to one Abbot, who took on others as vicars and priests, as his collaborators and assistants, but he himself applied the Mass for the people: hence, even at present, the three...

SYNOPSIS DISCEPTATIONIS. (Synopsis of the Discussion.)

[*Latin ed. p. 286*]

286 The Acts of the Apostolic See – Official Commentary: Parochial vicars receive a proper or pension from the Government, as "curates of the church of the Blessed John in Fiore." Therefore, if there is a parish, it is manifestly the case that only one Mass for the people should be offered on each feast day, which it is not lawful to prohibit being done by turns by each vicar, according to custom. Several resolutions of this Holy Order are relevant to the matter, in which this principle has been repeatedly received and confirmed, namely, that when there is only one parish, even if there are many who have care of souls within it, not all vicars are to offer the Mass

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for the people, but only one designated vicar, either by turns or by some other means. Thus, in Rome, August 29, 1744; in Ripatransone, December 15, 1762; in Galagurita, May 8, 1773; in Padua, April 14, 1804; in Gamerino, December 16, 1820, etc. Of particular note is the laudable resolution in Galagurita, which, according to Pallotti, *De Parocho*, § VI, n. 22, can be summarized as follows: There were two parochial churches in the place of Enciso, which also included six filial churches in nearby towns: the care of souls was exercised by fourteen vicars in a common manner, because one people was considered to be present. Formerly, the vicars were obliged to offer 814 Masses annually for the people, which were distributed among all the vicars in a certain proportion. When this heavy burden was seen, the vicars petitioned for a reduction in the number of Masses to be offered; and the Holy See responded: "For the sake of granting a reduction to one Mass on each feast day for each of the parochial churches in the town of Enciso, and also for a reduction to one Mass on feast days in the other filial churches, to be celebrated by turns, with the suffrages being united into one for the entire people." But in our case, the situation is much more favorable: for it is not a question of abolishing, by a burdensome custom, a grace, but of confirming one that has long existed in favor of the vicars. On the contrary, it is clearly permitted for there to be an ancient custom of only one vicar offering the Mass for the people by turns. On the other hand, the custom, even if it precedes human memory, is rejected in the Constitution of Benedict XIV, *Omnis Suboles*, § V, whenever it deprives any parish of the single Mass on feast days to which each parish, by common law, has a right. Therefore, this Holy Congregation does not recognize any importance to custom in the matter of the Mass for the people, unless it is a matter of an obligation arising from a source other than common law, e.g., from a special foundation, or from a papal bull of the erection of the parish, or the question is about the person to whom the obligation applies: but in our case, it is only a matter of the obligation.

[*Latin ed. p. 287*]

The Holy Congregation of Councils, in its decree 287, addresses a matter of common law, and there is no doubt that the obligation in question is maintained, provided that the existence of the obligation is established. Therefore, the fact that a custom has existed for a long time in our case does not, by itself, have any force. Furthermore, it is clearly established by the jurisprudence of the Holy Congregation that there is no obligation to offer more than one Mass, but only one, for the benefit of the people, where there is only one parish, even if there are several priests who exercise pastoral care in the same place, either jointly or in distinct regions. However, it is noted in the resolutions cited in opposition that the Holy Congregation decreed that only one Mass should be celebrated, either daily or weekly, when the parish was undoubtedly one, namely, by reason of

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the habitual care that belonged to one physical or moral person, such as a Chapter. Thus, in Romana, August 29, 1744, concerning the Chapter of St. Mary in Transtyberim; in Ripana, December 15, 1762, concerning the collegiate church of St. Nicholas in Aquaeviva; in Patavina, April 14, 1804, and in Camerino, December 16, 1820, which both concerned the Cathedral Chapter; to which may be added Volterra, February 27, 1858, where, as in the previous cases, the Holy Congregation, in response to the custom in the cathedral church that the Mass for the people on feast days was not celebrated solely by the parish priest, or perpetual vicar, but by all the canons in turn, replied that it should be observed (cf. Lingen and Reuss, *Causae selectae*, p. s. p., no. 467). Finally, the case of Calagurite, May 8, 1773, which is cited as having some similarity to our case, does not, as is evident from the following words of Pallotti, bear a close resemblance: "There was no distinction between the parish priests of the churches," he says, "but in each year, on September 14, each one, according to the order of seniority, assumed the care of that parish, which he preferred to choose." Therefore, those resolutions do not contribute much to the resolution of the doubt, since the crux of the whole question is whether three regions, under the single title of the church of St. Mary of Graces, entrusted to three respective parish priests, constitute one parish in reality, or rather three distinct parishes, albeit somewhat under one roof. The latter appears to be the case from the records. It is evident in the first place that each parish priest has exclusive care of a distinct people, within certain and distinct territorial boundaries, which are commonly called, for one parish, "della Cona," for another, "del Monastero," and for a third, "dei Cappuccini"; and this care is exclusive, as is evident from the records, because, as we are taught by the records, the parish priest of each parish assists the faithful from that parish in the marriage of the contracting parties, in accordance with common law: however, the parish priests sometimes exchange delegations; therefore, the other two, without the delegation of the third parish priest, assist in the marriages of the faithful who reside in the territory of this parish.

[*Latin ed. p. 288*]

The Acts of the Apostolic See – an official commentary – cannot assist, because how can this be, if the care entrusted to each parish priest extends to the entire territory of the parish church? Furthermore, it is not understood why, in the bulls of appointment of a new parish priest, with two others remaining, the parish of Saint Mary of Graces is said to be vacant due to the death of the predecessor. Indeed, three different regions have only one parish church, which is certainly incongruous if they are distinct parishes; hence also flow other customary practices which are mentioned in the acts concerning the commonalities: namely, the title of common parishes, the same seal, although a copy of it is given to each parish priest, the common baptismal font, the administration of baptism in common, although the

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names of the baptized are recorded in three separate books, the celebration of the divine offices, preaching, etc., generally and tacitly by agreement between the parish priests so that they may help each other in the exercise of pastoral care. But this common participation does not prevent the distinct parishes from constituting a common pastoral care: for a parish can be fully constituted in its own legal existence – as it is commonly said – with its rights and offices, even if it does not have its own church; see Monacell., Formul.; p. I, tit. 2, form. 3, n. 3; Piton., Discept., 160, n. 10; Reclus., De reparoch., part. I, tit. 12, n. 82; Zipaeum, Bespons., n. 2, de eccl. aedif. Cf. also the resolution communicated by the Sacred Congregation of Propaganda Fide to the Ordinary of Quebec, dated February 26, 1875, at 3: "When a parish has a church, and the people of that parish come to another church to fulfill the obligation of hearing Mass, does the same parish priest (who is in charge of two parishes) apply the Masses to both parishes, if he has a vicar or another priest, or even if he celebrates them twice himself?" R. Affirmative." (Coll. Prop. Fide, ed. 1907, n. 1436). Nor is it sufficient to prove that the habitual care of Saint Mary of Graces belongs to one physical or moral person, that recurring parish priests assert that the habitual care truly existed formerly with the Abbot or Commendatory, who would take on vicars as his own vicars. The Archbishop reports, with the authority of the historian Father Giovanni Fiore in his work "Calabria Illustrata," that the town and the church were only under the jurisdiction of the Abbot Commendatory with regard to temporal matters, or from the beginning, while the care of souls always belonged to the Archbishop of Consentino. However, the assertion of this historian has been verified by comparison with the Acts of the Apostolic Visitation of the diocese of Consentina, carried out in 1628, the manuscript of which is preserved in the archives of the Holy See, in which, on folio 69, the following is read: "On the 16th of the same month of September, the Reverend Visitor, on this day's journey (from Ripafitta), arrived in the town... "

[*Latin ed. p. 289*]

The Holy Congregation of the Council, 289: "The Reverend Father John, concerning the temporal affairs and jurisdiction of the monastery, is under the authority and power of the Abbot, who is presently the Most Reverend and Most Reverend Cardinal Ubaldus; however, concerning the care of souls and the administration of the sacraments, he is subject to the Most Reverend Archbishop Consentino." Therefore, it is clear that the current parish priests cannot be considered successors and vicars of the Abbot Commendatory in the obligation of celebrating Mass for the people; consequently, the argument presented to the contrary must necessarily fall to the ground.

RESOLUTION: After deliberation in the plenary sessions of the Holy Congregation of the Council, on June 12, 1917, and again on February 9,

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1918, concerning the aforementioned doubt, the Eminent Fathers judged it necessary to respond as follows: "Negatively, or the custom is not to be maintained: therefore, each parish is to be held, not in turn, but by itself, on each Sunday and feast day, in the application of Mass for the people assigned to it; and with this in mind, the Archbishop is to observe in practice canon 1096 of the Code of Canon Law, concerning delegations in the celebration of marriages."

Having presented the aforementioned matters to His Most Holy Lordship, Pope Benedict, Divine Providence, Pope XV, through the undersigned Secretary of the Holy Congregation, His Holiness deigned to approve and confirm the resolution in the subsequent audience of February 11, 1918.

I. ACTA, vol. X, n. 7. — 1-7-1918. MOBI, Secretary. 19.

[*Latin ed. p. 290*]

290 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION FOR RELIGIOUS, CONCERNING THE REFORM OF THE RULES AND CONSTITUTIONS OF RELIGIOUS ORDERS, IN ACCORDANCE WITH CANON 489 OF THE CODE OF CANON LAW. In accordance with Canon 489 of the Code of Canon Law, which states: "The rules and particular constitutions of individual religious orders, provided they do not contradict the canons of the Code, retain their force; those which are contrary to them are abrogated," and therefore, their text must be amended. In order that no inconvenience may arise in a matter of such importance, the Sacred Congregation for Religious, responsible for the affairs of religious orders, prescribes that the texts of the Rules and Constitutions be submitted for examination. All religious orders, both those under pontifical jurisdiction and those without public vows, of men or women, living in common, should, appropriately, transmit, along with a report on the state of the religious order to the Holy See, in accordance with the prescription of Canon 510. Therefore, it is of interest that all religious orders, along with the aforementioned report, send copies of certain of their Rules and Constitutions to this Sacred Congregation. 7 Furthermore, the Sacred Congregation earnestly urges and requests the Most Reverend Ordinarys of the places in which the superiors of religious orders and the superiors of congregations of women reside, to inform them of these matters as soon as possible. Rome, from the Secretariat of the Sacred Congregation, on the 26th of June, 1918. I. CARD. TONTI, Prefect. Adulphus, Episcopal Canon, Secretary.

[*Latin ed. p. 291*]

S. Romana Rota ACTA 291 TRIBUNALIUM. SACRA ROMANA ROTA GALLIPOLITANA. NULLITATIS MATRIMONII (DE DONATIS-SORRENTINO).

Under the blessed reign of Benedict XV, in the third year of his Pon-

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tificate, on the 16th of August, 1917, the Most Reverend Fathers, the Reverend Doctors, John Prior, Ponens, Aloysius Sincero, and Frederick Cattani Amadori, Auditors from Tournon, in the Gallipolitan cause concerning the nullity of marriage, between Mary De Donatis, the plaintiff, represented by her legitimate procurator, August Milani, advocate, and John Sorrentino, represented by his legitimate procurator, John Guasco, advocate, with the Defender of the Bond intervening and arguing in the cause, rendered the following definitive judgment.

Teresa De Donatis, a widow, left with her only daughter, Mary, whom she loved with all her heart, believing that a large inheritance would greatly contribute to her daughter's happiness, and in order that her daughter, who was twenty-nine years of age, might have a secure future, proposed to her that she marry a certain young man, named John Sorrentino, who was also the only son of the aforementioned widow, and who was reputed to be very wealthy.

Although the young woman was not particularly pleased with the proposed marriage, considering that the advantages promised could scarcely compensate for the defects of body and mind in the man proposed to her, nevertheless, obeying the advice of her mother, to whom she entrusted her future with complete confidence, she consented to the marriage, and on the 30th of June, 1894, she entered into the sacred bond of marriage with John.

However, the influx of wealth did not bring harmony to the conjugal home, but rather frequent quarrels between the spouses, who, accusing each other of breaches of faith, eventually led to a separation of goods and persons, which was decreed by the civil authorities approximately six years after the marriage began, with the consent of the parties.

For twelve years afterward, Mary lived with her mother, and after her mother's death in 1912, she decided to free herself from the civil bond by which she was still bound to her husband. Since the laws of the country did not permit this, she persuaded her husband,

[*Latin ed. p. 292*]

292 Acta Apostolicae Sedis - With a formal document, accompanied by a financial contribution intended for this purpose, she obtained, within the Kingdom of Hungary, the right to seek a divorce, which was granted according to the woman's wishes. Mary then presented a petition to the Gallipoli Tribunal, in which she alleged the nullity of her marriage to John, due to coercion and fear. The Tribunal's judgment, after a thorough investigation conducted in accordance with due legal process, was issued on July 10, 1915, in Aversa. Following an appeal to the Most Holy Order, and with the testimony of other witnesses, at the request of the plaintiff and by order of the Prelate, the case is now presented to us under the usual formula of inquiry: Does the marriage appear to be null in this case?

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(The fundamental principles of law regarding coercion and fear are well known, and have been explained on numerous occasions in recent decisions of the Sacred Roman Rota. Therefore, it will suffice to recall a few points that are particularly relevant to our case, from a recent case in Lugdunum, decided before the Prelate on June 5, 1917. Fear, in order to invalidate a marriage, must, according to the law in chapters 14, 15, and 27 of *De Sponsalibus*, be at least grave: that is, the person must experience a serious fear of an imminent evil, caused by someone acting unjustly to extort consent to the marriage, and which, otherwise, could not be avoided except by entering into the marriage. Fear arising from reverence, however, is of itself mild, and becomes grave only if it is qualified by threats, or by beatings, or by insistent and importunate pleas, or finally, by a prolonged paternal anger. From these considerations, the following conclusions can be drawn: a) He who fears only the offense of his father or superior, validly contracts marriage (D'Annibale, vol. 1, no. 138, note 16, ed. 3), because the evil, insofar as it may appear to be grave, does not threaten him, as is required by the reason for the invalidating effect of fear, but rather threatens another. b) Likewise, he who consents to marriage because he wishes to please his father or superior, validly contracts marriage, because he does not act unwillingly (D'Annibale, *loc. cit.*), nor does he give his consent in order to avoid an evil threatening him. c) Parents may lawfully offer advice to their children regarding marriage, and indeed, they often ought to do so, especially if the children are young; and children who adhere to such advice, even out of reverential fear, validly contract marriage. d) Parents may use persuasion, provided that it is not so importunate as to virtually contain serious threats. e) It is permissible to apply a slight pressure or reprimand in order to urge the marriage (Sánchez, book 4, section 22, no. 5, with others). f) It is also permissible for parents to explain to their children the reasons for urging them to marry, which are contained in the objective circumstances of the matter, and which do not depend on their free will: as St. Thomas says, *Supplementum*, part 3, question 47, article 6: "A father cannot compel his son to marry by command, unless it is for the good of the son."

[*Latin ed. p. 293*]

The Roman Rota considers the "condition" [of duress]; but it can be established by a reasonable cause: and then "just as a son is bound to the cause [of the marriage], so too is he bound to the command of his father: so that, indeed, if that cause compels by necessity, or by honor, and the command of the father likewise compels; otherwise not." The same applies, for example, if the father presents some evil that threatens the daughter from objective circumstances, if the marriage is refused: for fear, if anyone is present, responding to that imminent evil, would not be a free cause, as is required for an invalidating fear of marriage. As for the facts, the

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woman declares that she was compelled by threats: "Another time (i.e., her mother) said to me: 'If you do not marry Giovannino, you will renounce my company; because she had promised, relying on my attachment to her, to live with me even after the marriage.' Another time she said to me that if I did not obey her, she would 'make me become a nun.'" However, with regard to the threats initially indicated, it must be said that they completely lack the nature of threats, which can generate a grave fear in the canonical sense. For the imminent evil must be a deprivation of a due good, as the Authors explain where they teach that the fear of the loss of a profit that is not due to anyone does not invalidate marriage, nor any contract (cf. Sánchez, De matr., lib. 4, disp. 5, n. 27-29; Pontius, De matr., lib. 4, n. 10; and others commonly; Rota, Niciensis, before Many, July 31, 1915, Act. Apost. Sed., year 1916, p. 110). Surely no one will say that it is a good due to a wife that she should have her mother living with her in the house of her husband. Normally and almost universally, marriage separates the daughter from her parents; which the Lord does not obscurely indicate when He said: "Therefore a man shall leave his father and mother, and cleave to his wife" (Matthew, XIX, 5). This applies even more to a woman, who does not have parental authority in the conjugal home. As for the threats of being sent to a monastery, there is nothing established. No witness, other than the accuser, reports this from their own knowledge, as a fact that they perceived with their own senses. Some use a generic expression: "It is known to me," etc., as Rosa and Stephanus Vetroniille do, without indicating the basis of this persuasion. However, the threats are not proven by witnesses who do not testify about the circumstances of the threats, as Goscius teaches, De sep. thori, lib. I, cap. 8, n. 77 seq.; Rota, dec. 301, n. 17, par. U, rec. Goscius says (l.c.): "Witnesses who generically testify that the marriage was contracted by order of the father through the son, do not at all prove fear." And there (n. 61): "However, fear is not proven for the annulment of marriage."

[*Latin ed. p. 294*]

m Acta Apostolicae Sedis - Official Commentary "regarding witnesses who do not provide details about the circumstances of the threats." Cf. Rota, decree 334, n. 9, par. 11; decree 172, no. 7, par. 15; decree 490, n. 2 et seq., par. 18, vol. 2, revised edition. Of the fourteen witnesses presented by the plaintiff in the supplementary proceedings, none testified about threats based on their own knowledge; only three stated that they had heard something about the threats. Anthony Vitelli said: "I understood that these were threats." Salvatore Avitabile: "I heard them talking about it in the family." D'Amora Catelli: "Through my wife, I learned that, through a confidence received from the bride of Sorrentino (therefore, after the marriage), the woman had previously been threatened." This witness is indeed of hearsay and at a suspicious time. These three witnesses, by merely stating that they heard something, without declaring the circumstances,

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do not prove the threats. All the other witnesses, eleven in number, questioned in a second interview, responded that they knew nothing about the threats. On the other hand, the witness Agatha Savarese, who, due to her customary relationship with the plaintiff's family, holds a special position, concludes against the existence of the threats: "I do not know if the mother truly threatened to make her a nun if she did not marry Giovannino. I must declare, however, that I believe that if the mother had made this threat to her, she would have confided in me because of the intimacy in which we were. I must add that she did not confide in me, nor did she share her feelings, because I saw and heard everything, being there as a member of the family." And Dominic De Donatis: "I exclude that the mother exceeded the bounds of her maternal authority towards Mary." Sebastian Vetromille: "I do not know, nor do I believe that the mother of Donatis would have used threats against her daughter to force her into marriage with Sorrentino." Furthermore, the implausibility of threats of this kind is evident from the plaintiff's own confession, who said that she had never explicitly expressed her aversion to the man she was supposed to marry to her mother: "My misfortune was that I never had the courage to tell my mother (about my invincible aversion to him) in a clear way, for fear that she would intimidate me." Therefore, why would the mother use threats against a daughter whom she saw complying with her wishes? The witnesses do not speak of the mother's rebukes or importunate pleas, but neither was the mother's prolonged indignation the cause of fear, as will become clear shortly. The witnesses testify about Mary's aversion to her future husband and about her cold behavior towards him. Thus, Joseph Vetromille: "The future husband aroused in her a sense of aversion, and she told me, in confidence, that she could not stand Sorrentino. The mother..."

[*Latin ed. p. 295*]

S. Romana Rota 295: "Considering the daughter's aversion towards the Sorrentino, and seeking to 'persuade' her." Also, Rosa Massa, D'Amora Catelli, Capua Catelli. This aversion of the young woman is evident from a letter sent in February 1894 to her friend, Iosep ham Vetromille, approximately five months before the marriage. The lack of love, however, does not harm the validity of the marriage, since it is consent, not love, that makes spouses (cap. 14, De sponsal., X, lib. 4). Indeed, it may be an indication of coerced consent, which, however, must be proven from elsewhere. However, there is no proof of coercion on the part of the mother, the actress, in the testimonies of the witnesses, which rather confirm that the mother, by extolling the pleasures, leisure, and abundance of wealth of the future marriage, overcame the daughter's aversion. The actress herself recounts: "I believe, indeed I am certain, that 'this marriage, arranged without my knowledge, was desired by my mother, because she was fascinated by the wealth of the Sorrentino family, described to her as fabulous by my

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aforementioned uncle, Luigi Starace, an excellent man, 'but a fantasist like no other.... My mother would praise the wealth of him and his family in general, describing them to me in vivid colors, speaking to me of salons, carriages, and horses.... My mother would say to me: 'If only you had the good fortune to have Giovannino as your husband.' She tried to persuade me, describing the wealth of the Sorrentino.... She told me that I could not understand the good fortune that had befallen me, and that 'if I let it slip away, I would be sorry afterwards.'" Similarly, the witnesses Dominicus De Donatis, Francisca Vetromille, Agatha Savarese, Archipresbyter D'Elia, Camillus De Tornasi, and Agnes De Tornasi testify. Some witnesses state that the young woman consented to the marriage because she wanted to please her mother, not wanting to distress her. However, this does not affect the validity of the consent (D'Annibale, vol. 1, no. 138, note 16, ed. 3), since someone who wishes to avoid suffering something unpleasant must believe that it is harmful to themselves, not to others. Thus testifies Agatha Savarese: "I am convinced that Maria yielded to the will of her mother, because in order not to 'displease her, she did everything that her mother wanted, even in the most insignificant things.'" Eugenius Vetromille: "Out of fear of giving 'the slightest pain to her mother, convinced that the latter always acted for her own good, she blindly submitted to her will.'" Similarly, Augusta Consiglio-Franza, Rosa Massa, and Maria Ingrosso testify. Furthermore, from the records, it is probable that it is clear that Mary not only wanted to please her mother, but was also persuaded that the proposed marriage was suitable for her, and deliberately consented to it. The witness Vincentia Marzo states: "During the engagement, when speaking with me, she showed 'enthusiasm for the wealth that this marriage..."

[*Latin ed. p. 296*]

Acta Apostolicae Sedis - Commentarium Officiale: "ille ei adhibeatur." Christina Piccolo testatur: "Debo autem addere quod cum eum primum post matrimonium vidit, se "multum contentam ostendebat, sine mentione mariti. Cum mihi corrodum ostendebat, "multum gaudebat videndo omnem illam res"." Sed praecipue lucet ex epistola, quam vix unum mensis post nuptias celebratas viro futuro misit. Scribit: "Carissimo Giovannino. Ultima tua littera "ostendebat frigiditatem et indifferentiam tam grande, ut, dicendum apertissime, "potiusquam me incitare, me valde stupivit. Non loquor de effectu "horrendissimo quem tuae verba mihi praebuerunt: "Sposabo quando "vobis videbitur opportunum; ponite mihi diem et ibo." Optima occasio hic puellae oblatum erat, quo uti poterat ad nuptias efficaciter recusandas, si animum habuisset matrimonio adversum; contra, queritur de frigido viri modo et amoris carentia, tanquam de re quae improvviso eam opprimit, cui videlicet ex sua parte amorem non dederat. Prosequitur: "Ex modo tuo scribendi perspicue intellego quod "matrimonium tibi non valde placuit, et tibi gravissima res videbitur. Si ita est, "infelix ero si illud

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perficiam, quia non est coniunctio "unius anni, vel duorum, sed "vitae nostrae totius, et scio "quanta tristitia erit coniungi "indissolubiliter cum persona "cui vix affinis es. Si hoc "matrimonium tu facis ex pura "convenientia vel ex aliis causis, "facias valde malum et "magnum errorem, et nos ambo "erimus infelices totam vitam. "Cogita bene, alioquin "adveniemus in periculum quod "non potest refici. Quanto ad me, "meo judicio matris meae "sequor." Virum nempe non monet de gravi onere matrimonialis perpetuo assumendi, ad quod proinde non leviter sed serio ac deliberato animo accedendum est, ne exitus infelices sequantur. Dubia innuit de serio ac deliberato animo et amore sincero ex parte viri: ex parte sua vero nihil habet contra matrimonium propositum nisi timorem quem exprimit circa animum viri. Denique, quod ad propriam intentionem attinet, respectu matrimonii contrahendi, rem remittit judicio matris suae, quam et ipsa et Ioannes Sorrentino, cui scribebat, apprime matrimonio favebant. Haec omnia, ut patet, mentem exhibent puellae gravitatem contractus matrimonialis rite et serio perpendentis et matrimonio favorabilis, dummodo non desit affectus ex parte viri. Quibus omnibus in iure et in facto sedulo perpensis, Christi nomine invocato, Nos infrascripti Auditores de turno, pro Tribunali sedentes et solum Deum prae oculis habentes, decernimus, declaramus, et definitive.

[*Latin ed. p. 297*]

The Roman Rota, in judgment number 297, pronounces on the debated question: Whether there exists a nullity in the marriage in the case presented; we answer: negatively, or, whether there does not exist a nullity in the marriage in the case. Furthermore, we decree that all judicial expenses be borne by the plaintiff. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, that they execute this our definitive judgment, and against those who resist, that they proceed according to the sacred canons, and especially chapter 3, session 25, concerning appeals, of the Council of Tridentini, employing the executive and coercive means that may be most suitable and efficacious for the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 16th of August, 1917. Ioannes Prior, Presiding. Aloisius Sincero. Fridericus Cattani Amadori, L. © S... From the Chancery of the Holy Roman Rota, Sacred Tribunal. Tani, Notary.

[*Latin ed. p. 298*]

Acts of the Apostolic See - Official Commentary 298. ACTS OF THE SECRETARIAT OFFICES. LETTER TO THE REVEREND ORDINARIES OF ITALY CONCERNING THE PRACTICE OF THE CONSECRATION OF FAMILIES TO THE MOST SACRED HEART OF JESUS.

Most Reverend and Venerable Sir,

It is with pleasure that I bring to your attention the fact that the August

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Pope, desiring to give greater impetus and increase the splendor to the work already so highly recommended by him, namely the consecration of families to the Sacred Heart of Jesus, has graciously deigned to assign to it a definitive organization, which demonstrates the importance attributed to it by the Holy See and facilitates its progressive growth.

It is well known to you that, at the desire of the meritorious promoter of the work, Father Matthew Crawley, this fruitful apostolate has been promoted in Italy until now by the union of Catholic women, who, raising the banner of divine love, have proven worthy of recognition and praise, as in so many other most useful initiatives, even in this one which surpasses them all.

However, a doubt arose as to whether the spread of such an excellent devotion among the populations of Italy should continue to be entrusted to the aforementioned association, or rather, whether, according to the logic of the matter, and as a species to the genus and as a part to the whole, it should belong to the apostolate of prayer.

His Holiness, having carefully considered the nature and aims of the consecration of families to the Sacred Heart of Jesus, has deigned to express his venerable opinion, that from now on, this very apostolate should be responsible for spreading this salutary work throughout Italy, while the piety of the Catholic women continues to strive to obtain further merits in assisting the zeal of the directors of the apostolate, by propagating knowledge of this pious practice and by instilling its appropriateness and advantages.

[*Latin ed. p. 299*]

299 The Secretariat of the State, in aid of which Your Eminence, will receive a letter containing detailed instructions from the diocesan director of the Apostolate of Prayer in Rome; but in the meantime, I have the supreme duty to inform Your Eminence of the following principal provisions: namely, that, with the cessation of the central presidency of the union of Catholic women of Italy, which served as the national secretariat of the Work, the national direction of the same passes, in its place, to the Apostolate of Prayer in Rome, whose diocesan director is established as the general director in Italy of the Work of the consecration of families to the Sacred Heart of Jesus; that furthermore, the various diocesan directors of the Apostolate of Prayer shall become, without fail, directors of the diocesan secretariats for the Work of the consecration of families; which secretariats, consequently, cease to be part of, where they are, of the committees of the union; that in the constitution of the new diocesan secretariats within the Apostolate of Prayer, due account be taken of what has already been done by the meritorious committees of the union of Catholic women, admitting some of them, if possible; and that finally, all the secretariats shall also be constituted as centers of the Apostolate of Prayer. The August Pontiff trusts that, with the opportune convergence of the efforts of the diocesan direc-

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tors of the Apostolate and the incessant and always valid collaboration of the word and example of the Catholic women, the work organized on these new foundations will be a harbinger of ever greater development and of ever more excellent blessings for all the dioceses of Italy, and in particular for that which is entrusted to the diligent care of Your Eminence. With sentiments of distinct and sincere esteem, I take the liberty of reaffirming myself, Vatican, May 10, 1918. Your Eminence's devoted servant, P. CARD. GASPARRI.

[*Latin ed. p. 300*]

Acta Apostolicae Sedis - Official Commentary 300. DECREE OF THE VICARIATE OF THE CITY: "REGARDING SPECTACLES, IN THE PUBLIC ASSEMBLY PLACES, KNOWN AS 'CINEMATOGRAPHS'; BOTH ORDERS OF THE CLERGY ARE ONCE AGAIN PROHIBITED FROM ATTENDING. Since it is known that the wise regulations concerning public spectacles, which were issued by this Vicariate by decree of July 15, 1909, are not always observed by all members of both orders of the clergy, we now recall and renew, by order and authority of the Holy Father, the absolute prohibition to the clergy, both secular and regular, from attending the performances that take place in the public cinematographs of Rome, even if they are of a sacred subject, without any exception. Against those who transgress, we will proceed with the canonical penalties, including suspension from divine services. We order the Rectors of the churches and public chapels of Rome to constantly affix the present Decree in the sacristies, so that it may be known and observed not only by the priests residing in Rome, but also by those who are passing through this city. Given from our Residence, May 25, 1918.

B. CARD. POMPILJ, Bishop of Velletri, VICAR GENERAL OF HIS HOLINESS.

S. F. Can. Pascucci, Secretary.

[*Latin ed. p. 301*]

Diarium Romanae Curiae 301 OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. Tuesday, May 28, 1918, in the Apostolic Palace at the Vatican, the Ordinary Particular Congregation of the Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals and the Reverend Prelates officials, members of the same, after deliberation, gave their vote on the following matters: 1) Concerning the validity and significance of the Apostolic Process constructed in the Curia of Naples regarding the reputation for sanctity, virtues, and miracles in general of the Venerable Servant of God, Pasquale Attardi, a secular priest; 2) Concerning the cult, in obedience to the Decrees of Urban VIII, never rendered to the Servant of God, Sister Anne De Angelis Monteagudo, a professed nun of the Order of St. Dominic; 3) And likewise, concerning the cult, as

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above, never rendered to the Servant of God, Anne Maria Lapini, foundress of the Institute of the Poor Daughters of the Sacred Stigmata. Tuesday, June 11, 1918, in the Apostolic Palace at the Vatican, with the presence of the Most Eminent and Reverend Lords Cardinals and with the vote of the Reverend Prelates officials and theological consultants, the Preparatory Congregation of the Rites was held, to discuss the doubt concerning the heroic virtues of the Venerable Servant of God, Francesco de Montmorency-Laval, Bishop of Québec. SECRETARY OF STATE APPOINTMENTS. By letters from the Secretary of State, the Holy Father deigned to appoint: • May 31, 1918. The Most Eminent Cardinal Aidan Gasquet, Member of the Cardinal Commission for the work "Praeservationis fidei."

[*Latin ed. p. 302*]

Acta Apostolicae Sedis - Official Commentary 302, May 31, 1918. The Reverend Father, Doctor Ermanno Bonazzi, Extraordinary Master of the Pontifical Ceremonies. June 9: His Eminence, Cardinal Giulio Tonti, Protector of the Institute of Franciscan Tertiary Sisters of Saint Elizabeth, of Padua. June 12: The Reverend Father, Doctor Giovanni Battista Nicola, Secretary of the Second Class of the Apostolic Delegation, assigned to serve at the Apostolic Delegation of the United States of America. June 15: His Eminence, Cardinal Raffaele Merry del Val, Protector of the Benedictine Nuns of Perpetual Adoration of the Most Holy Sacrament in Ronco di Ghiffa (Novara). June 17: The Reverend Father Enrico Le Floch, of the Congregation of the Holy Spirit, Consultor of the Supreme Sacred Congregation of the Holy Office. June 22: Monsignor Francesco Solieri, Consultor of the Sacred Congregation Consistorial. June 24: Monsignor Giacomo Sole, Consultor of the Commission for the Interpretation of the Code of Canon Law. June 26: Monsignor Tommaso Esser, titular Bishop of Sinide, and Monsignor Francesco Solieri, Consultors of the Sacred Congregation of the Council. By Apostolic Briefs, the Holy Father deigned to appoint: Assistant to the Papal Throne: August 16, 1917. Monsignor Belisario Santistevan, Bishop of Santa Croce della Sierra. Apostolic Protonotaries *ad instar participantium*: June 4, 1918. Monsignor Ildefonso Hervin, of the diocese of Arras. June 6: Monsignor Giorgio Prudente Maria Bruley des Varannes, of the archdiocese of Tours. Domestic Prelates of His Holiness: May 7, 1918. Monsignor Ludovico Simon, of the diocese of Vannes. May 31: Monsignor Giuseppe Bellino, of the archdiocese of Conza. June 7: Monsignor Costantino Budkiewicz, of the archdiocese of Mohilew.

[*Latin ed. p. 303*]

Diarium Romanae Curiae 303 HONORS. By Apostolic Brief, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: May 27, 1918. To Mr. Eleodoro Romero, formerly Minister of Worship in Peru. The Commander's Cross of

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the Order of Saint Gregory the Great, civil class: June 1, 1918. To Mr. Knight Augusto Grossi-Gondi, of Rome. To Mr. Emilio Maria Francesco Stinglhamber, of the Archdiocese of Malines. The Knighthood of the Order of Saint Gregory the Great, civil class: May 28, 1918. To Mr. Guglielmo Basambrio, of the Archdiocese of Lima. To Mr. Augusto Stanislao M. Giuseppe Meeus, of the Diocese of Breda. June 4, 1918. To Mr. Valerio Amabile Giuseppe Tabary, of the Diocese of Arras. June 5, 1918. To Mr. Antonio Vullinghs, of the Archdiocese of Utrecht. June 11, 1918. To Mr. Prince Francesco Saverio Giuseppe Labre Bronislao Maria Ianusz Radziwill, of the Archdiocese of Warsaw. The Commander's Cross of the Order of Saint Sylvester the Pope: June 5, 1918. To Mr. Engineer Ettore Martini, of the Diocese of Piacenza. PAPAL HOUSEHOLD. By letters from His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint: Honorary Secret Chamberlains to His Holiness: January 15, 1915. Monsignor Vincenzo Miossevich, of the Archdiocese of Zara. Monsignor Angelo Piasevoli, of the same Archdiocese. November 10, 1917. Monsignor Pietro Espejo, of the Diocese of Santa Marta.

[*Latin ed. p. 304*]

Acta Apostolicae Sedis - Official Commentary 304, March 11, June 3 » » • 5 » 8 » 17 » 1918. Mons. Paolo Kaiser, of the Apostolic Vicariate of Saxony. » Mons. Giuseppe Falciola, of the diocese of Novara. » Mons. Luigi Galli, of the diocese of Imola. » Mons. Milone Meloni, of the diocese of Treia. » Mons. Antonio Negro, of the archdiocese of Turin. » Mons. Angelo Gaeta Caselli, of Rome. Extraordinary Secret Chamberlains of the Sword and Mantle: June 1, 1918. Mr. Comm. Giuseppe Mutsaers, of the archdiocese of Brussels. June 11 » » Mr. Paolo Malafosse, of the diocese of Montpellier. Honorary Chamberlain in purple of His Holiness: May 25, 1918. Mons. Michele Veroli, of the diocese of Faenza. » » Mons. Giuseppe Bolzoni, of the diocese of Borgo S. Donnino. » » Mons. Giuseppe Savio, of the diocese of Saluzzo. » » » Mons. Andrea Vigo, of the archdiocese of Turin. June 11 » Mons. Giovanni Gori, of the diocese of Cesena. » » » Mons. Giuseppe Alvisi, of the same diocese. June 15 » • » Mons. Tommaso Frioni, of Rome. June 17 » » Mons. Cesare Rossi, of Rome. Extraordinary Honorary Chamberlain of His Holiness: January 31, 1918. Mons. Gioacchino Pereira Secco, of the diocese of Guarda. Extraordinary Chaplain of His Holiness: January 31, 1918. Mons. Emanuele Gioacchino De Paiva, of the diocese of Funchal. NECROLOGY: June 4, 1918. Mons. Francesco De Paola e Silva, Bishop of S. Luigi del Maragnano (Brazil). June 8 » » Mons. Giovanni Ignazio Gonzalez Eyzaguirre, Archbishop of Santiago del Chili. » » » Mons. Giuseppe Cadena y Eleta, Archbishop of Burgos.

[*Latin ed. p. 305*]

Year X - Vol. X, August 1, 1918, No. 8. ACTA APOTOLICAE SEDIS,

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OFFICIAL COMMENTARY. ACTS OF POPE BENEDICT XV. BY HIS OWN MOTION, CONSTITUTIONS REGARDING THE MEMBERS OF THE MOST HOLY CROSS, AT SAINT MARCELLUS. POPE BENEDICT XV. Three years ago, when the most holy Image of Jesus Christ, which is kept in Rome at Saint Marcellus, was transferred to the Basilica of the Vatican, for the purpose of prayer, We ourselves venerated it; and considering how salutary and, indeed, necessary it is to foster in the hearts of men piety and love for the Passion of the Lord, We declared that it would be most fitting if the Association, which is charged with guarding and venerating that Image, were to regain the hope of its former prosperity. For it is truly wondrous how the zeal of the ancients in venerating this most holy Image has diminished; but since, as is customary, the fervor of piety has gradually lessened with the passage of time, Our Predecessor, Clement XII, on January 24, 1731, renewed the constitutions of the Association. But since, in the course of these two centuries, changes have occurred which have affected this very association, it seemed opportune to adapt it to the new conditions of the times. Indeed, these constitutions, recently revised and properly amended by the Holy Congregation of the Council, have been duly recognized and approved. We, therefore, fully confident that many will be found who will embrace this most pious and fruitful work,

[*Latin ed. p. 306*]

306 Acta Apostolicae Sedis – The official commentary includes the aforementioned institutions, which We confirm and ratify, notwithstanding any contrary provisions. Given in Rome, at St. Peter's, on the first day of July, in the feast of the Precious Blood of Our Lord Jesus Christ, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV.

APOSTOLIC LETTER

I. GRANTING INDULGENCES AND PRIVILEGES TO THE PIOUS WORK COMMONLY CALLED "DE MONTLIGEON" IN THE DIOCESE OF SÉEZ.

BENEDICT XV. For the perpetual memory of the matter. — It has come to Our knowledge that a pious work, located in its own temple within the boundaries of the parish commonly called La Chapelle-Montligeon, in the diocese of SÉEZ, has long been established, with the purpose of freeing the souls of the faithful from the fire of purgatory. And so that this exercise of charity and piety may receive greater growth in the Lord, We have graciously accepted the prayers of the founder and general director of this work, and, having also heard Our beloved son, the Most Reverend Cardinal Penitentiary Major, We gladly enrich this fruitful institution with spiritual graces. Therefore, by the present document, with Our apostolic authority, We grant to all Christian faithful of both sexes, who, on the days

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of Our Lord Jesus Christ and the Virgin Mary, on the feasts of the first and second class from the entire liturgical calendar, and also on the feasts of the Virgin Mary of Mount Carmel, the celebration of All Saints, St. Michael the Archangel, St. Joseph, the most chaste Spouse of the Virgin Mary, of the Apostles St. Peter and St. Paul, of St. Gregory the Great, of St. Bernard, of St. Francis of Assisi, and of St. Latuinus, the patron of the aforementioned diocese of SÉEZ, having duly performed acts of penance, or on the aforementioned days, or on one of the octaves preceding or following those feasts, and who, on those same feast days, or the eve of those days, or finally on any day of the respective following octave, have refreshed themselves with the heavenly food, and who, having visited the aforementioned temple, there offer prayers for the concord of Christian princes,

[*Latin ed. p. 307*]

The acts of Pope Benedict XV, page 307, state that, through pious prayers offered to God for the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, on the day that all these things are accomplished, We mercifully grant and bestow complete remission and forgiveness of all their sins. Furthermore, by Our authority, We grant that those who, on each day of Lent and on other days within the year, devoutly visit the aforementioned temple to gain the indulgences, as described in the Roman Missal, and there, as is fitting, pray, may, on that day, obtain all and each of the indulgences, remissions of sins, and relaxations of penances that they would obtain if they personally and devoutly visited any of the churches of this beloved City of Ours on those designated days for the Stations, provided that they have duly performed the works of piety prescribed for obtaining the indulgences. We grant that all these, both plenary and partial, indulgences may be applied to the souls detained in the fire of Purgatory. Finally, We grant permission that the holy Sacrifice of the Mass, which any priest, secular or regular, shall celebrate on any weekday, at any altar of the aforementioned temple, for the soul of any Christian faithful person who, united with God in charity, has departed this life during the year, will, for that soul, be of equal benefit as if it had been celebrated at a privileged altar. Notwithstanding Our own and the regulations of the Apostolic Chancery concerning acquired rights, and all other constitutions and ordinances apostolic, and all other things whatsoever to the contrary. These present decrees are to remain in force perpetually. Given in Rome, at St. Peter's, under the Fisherman's ring, on the tenth day of May, in the year 1918, in the fourth year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

INDULGENCES AND PRIVILEGES ARE GRANTED FOR DAILY MISSAS ESTABLISHED IN THE ARCHDIOCESE OF BIRMINGHAM.

BENEDICT XV. For the perpetual memory of this matter. — Since We are pleased and deeply moved by the efforts of men who strive to celebrate

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the holy Sacrifice of the Mass as often as possible, We have not hesitated...

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis - Commentarium Officiale. We have received petitions from the Primacy of Hiberniae, requesting that we enrich with heavenly treasures the Sodalitas, which bears the title "Foedus Missae quotidianae" (Daily Mass League), established there. And since a similar work has also been founded under the same name in the archdiocese of Birmingham, and since the Archbishop of that archdiocese has earnestly requested that we grant the same indulgences to it; We, having also heard our beloved son, the Most Reverend Cardinal Penitentiary, are all the more inclined to grant these pious requests, because many and notable benefits are received from the renewed sacrifice of Jesus Christ our Redeemer offered upon the altar. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We grant to all and each of the faithful of both sexes, who join the Sodalitas under the title "Foedus Missae quotidianae" canonically erected in the church of the Oratory of St. Philip Neri in the city of Birmingham, and to any other names or associations to be established in the future within the same archdiocese of Birmingham, a plenary indulgence on the first day of their joining, provided that, truly contrite and having confessed, they receive the Sacrament of the Eucharist; and to those members described above, and to those who are described in the same associations for the time being, at any time of their death, if, truly contrite and having confessed and having received Holy Communion, or, if they are unable to do so, at least having invoked the name of Jesus with a devout heart, if they can with their mouth; a plenary indulgence; and also to the aforementioned members of the same associations, who, in any month of the year, attend the Holy Sacrifice for at least nine consecutive days, and on one of these nine days, truly contrite and having confessed, receive Holy Communion, and during Mass, offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We likewise grant to all of them a plenary remission and forgiveness of all their sins, mercifully in the Lord. Furthermore, to those same members who, at least with a contrite heart, attend Mass on any feast day and pray there, We grant an indulgence of seven years and forty days; and to those members who have performed any work of piety or charity as prescribed by these sodalities, We remit one hundred days of the penitences prescribed to them or of any other debts whatsoever, according to the usual form of the Church. We grant that all and each of these indulgences, remissions of sins, and relaxations of penances, with the exception of the plenary indulgence to be earned at the hour of death, may also be applied for the benefit of the souls of the faithful detained in Purgatory. Finally, by Our apostolic authority, We grant that

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Masses may be celebrated for the soul of any member at any altar.

[*Latin ed. p. 309*]

The acts of Pope Benedict XV, page 309, state that the soul receives the same benefits as if the indulgences had been gained at a privileged altar, notwithstanding any contrary regulations. These regulations are perpetually valid. Furthermore, We decree that to copies or exemplars of the present document, even printed ones, signed by the hand of a public notary and sealed with the seal of a person holding ecclesiastical dignity or office, the same full faith shall be given as would be given to the present document itself if it were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 13th of May, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

III. INTERNATIONAL AGREEMENT "FOR THE POPE AND THE CHURCH": THE CAMBERI INSTITUTE'S INDULGENCES ARE INCREASED.

POPE BENEDICT XV. For the perpetual memory of this matter.

— Whereas, as Our beloved son James Ogier, General Director of the international agreement "For the Pope and the Church" of the Camberi Institute, has explained to Us, both he and the priests and laypeople admitted to the agreement are very desirous that this association be increased by certain spiritual benefits, and We, having been entrusted by God with the treasures of the Church, deem it fitting to grant these requests, in order that this very fruitful association may increase in goodness and benefit; We, therefore, having considered these matters, and with the Lord's help, We have decided to grant these requests.

Therefore, having heard Our beloved son, His Eminence, the Cardinal Penitentiary Major, and confident in the mercy of Almighty God and the authority of the Apostles Peter and Paul, We grant, to all priests and to each and every one who are now and in the future properly admitted to this pious agreement, that those who, on the day of their admission and each year on the feasts of the Resurrection of the Lord, the Assumption of the Blessed Virgin Mary, and the Apostles Peter and Paul, from the middle of the day before until midnight of the respective feast day, having received sacramental confession and having partaken of the Holy Eucharist, visit any church or chapel, and there offer prayers according to the mind of the Roman Pontiff, are granted, in the Lord, a plenary indulgence and remission of all their sins.

Furthermore, We grant to these same members of the clergy, whenever, with a contrite heart—

[*Latin ed. p. 310*]

310 Acta Apostolicae Sedis - Official Commentary: With a heart full of devotion, let the members of the sodality recite the prayer of the sodality,

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which begins: "Tu es Petrus," and, whether present in person or collectively, we grant the remission of one hundred days of temporal punishment, according to the usual form of the Church. Furthermore, to the laity, now and in the future, who are likewise inscribed in this Federation, if on the day of their aggregation they visit any public church or chapel, truly penitent and having confessed, and having received the Holy Communion, as stated above, and if, in each month of the year, according to the rules of the Federation, they apply the Holy Communion for the intention of the Supreme Pontiff, we likewise grant, with merciful charity in the Lord, the plenary remission of all their sins and the remission of all their temporal punishments. Moreover, we grant to the members of the sodality themselves, if they so desire, the faculty to satisfy, by works of piety, the blemishes and the penalties of their sins, through these plenary and partial indulgences, notwithstanding any contrary prescriptions. These present decrees are valid for all times, present and future. We decree that copies or printed versions of these present letters, signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity or office, shall have the same validity as if the original documents were presented or shown.

VIII. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the day of June, in the year 1918, in the fourth year of Our Pontificate.

v- P. CARD. GASPARRI, Secretary of State.

IV. PIA UNION "CULTUS PERPETUUS ERGA VIRGINEM PERDOLENTEM" (PERPETUAL DEVOTION TO THE SORROWFUL VIRGIN), FOUNDED IN THE BASILICA OF MONTE BERICO, IS GRANTED INDULGENCES.

BENEDICT XV.

For the perpetual memory of this event.

The heavenly treasures of the Church, which the Lord has permitted Us to dispense, are for those associations which, with a willing spirit, seek to increase the glory and honor of the Mother of God and to remember Her sorrows. Therefore, since the Supreme Moderator of the Order of Servants of the B.V.M. has presented to Us petitions, so that we might deign to grant certain spiritual graces for the pious Union, called "Cultus perpetuus erga Virginem Perdolentem," which has been canonically established in the Basilica of Monte Berico, near Vicenza, We consider it fitting to comply with these requests as far as We can, with the Lord's permission. Therefore, through the mercy of Almighty God, and through the intercession of Saints Peter and Paul,

[*Latin ed. p. 311*]

The Acts of Pope Benedict XV, page 311, state: Confident in the authority

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of the Apostles, and having heard our beloved son, the Most Reverend Cardinal Penitentiary Major, nevertheless, provided that other indulgences have not been granted to this association by this Holy See, by the tenor of the present document, we grant to all and each of the Christian faithful who shall hereafter join this pious Union, on the first day of their entrance, if, truly penitent and having confessed, they receive the Most Holy Sacrament of the Eucharist, a plenary indulgence; and also, to those described and, as time goes on, to those described in the same Union, at the hour of their death, if, truly penitent and having confessed and having received Holy Communion, or, if they are unable to do so, at least contrite, they invoke the name of Jesus, if they can, but if not, devoutly in their heart, and if they patiently accept death as the recompense for sin from the hand of the Lord, also a plenary indulgence; and also to those same members, who, on the feast day of the principal of this association, devoutly visit any church or public oratory, and there offer pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and who, on that day, perform the prescribed works, also a plenary indulgence; finally, to both classes of members to whom the prescriptions of this Union apply, who, either once a week or once a month, are also truly penitent and have confessed, and who approach the Holy Sacrifice; and who pray in any church or public oratory, as mentioned above, we likewise grant and bestow, with merciful kindness in the Lord, the indulgence of all their sins and their remission. Furthermore, to the members of this Union, who, at least contrite of heart, visit any church or public oratory on four feast days designated by the Ordinary, only once, and there pray as mentioned above, we grant for seven years and forty days. But to those who recite the prayers proper to this Union, approved by the Virgin of Sorrows, or who perform any work of piety or charity, according to the laws of this Union, we remit one hundred days from the penances prescribed to them or from any other debts of penance, according to the custom of the Church. We also consent that all and each of the indulgences, remissions of sins, and relaxations of penances, except for the plenary indulgence to be obtained at the hour of death, may also be applied for the benefit of the souls of the faithful detained in Purgatory. Notwithstanding anything to the contrary. These present documents are valid forever. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the ninth day of June, in the year 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 312*]

312 Acta Apostolicae Sedis - Official Commentary

V. INDULGENCES AND PRIVILEGES GRANTED TO THE ARCHISODALITY COMMONLY CALLED "OF MONTLIGEON" ARE CONFIRMED, AND OTHERS ARE GRANTED.

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BENEDICT XV, Pope.

For the perpetual memory of this matter.

It has been brought to Our attention by Our beloved son, Paul Buguet, apostolic protonotary and general administrator of the pious association "For the liberation of souls abandoned in the fire of Purgatory," that this association was canonically established for the first time on the 1st day of October, 1884, in the curial temple of the place called Chapelle-Montligeon, in the aforementioned diocese, by the Bishop of Sées; subsequently, through similar apostolic letters, on the 8th of October in the year 1893 and on the 19th of June in the year 1895, sealed with the Fisherman's ring, it was elevated to an archisodality and a Primatial-Primariate; and finally, with the support of the Sées prelate, the same Primatial archisodality was transferred to a new temple dedicated to the Virgin, erected within the boundaries of the same parish in the year 1913.

The aforementioned General Administrator further states that this pious work has indeed been adorned and enriched by Our predecessors with numerous indulgences and privileges; but now, it is the fervent desire of both himself and all the members of the archisodality that the indulgences and privileges already granted be confirmed in perpetuity, and that other spiritual graces be added, through Our benevolence.

We, recalling with the mind how "holy and salutary is the thought of praying for the dead, that they may be released from their sins," and considering these pious requests, which contribute to the good and increase of such a fruitful association, We have deemed it fitting, as far as is pleasing to the Lord, to grant Our benevolent approval.

Therefore, having heard Our beloved son, the Most Reverend Cardinal Penitentiary, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We grant that all and each of the faithful who shall hereafter join the aforementioned Primatial archisodality for the liberation of souls abandoned in the fire of Purgatory, if, on the first day of their enrollment, or on one of the seven immediately following days, they shall have truly repented and confessed, and have received the Eucharist, shall receive a plenary indulgence; and that, in the case of any of these members, whether already enrolled or to be enrolled in the future, who, at the hour of their death, shall have truly repented and confessed, and have received the Holy Communion, or, if they are unable to do so, shall at least be contrite,

[*Latin ed. p. 313*]

The acts of Pope Benedict XV, page 313, state that if anyone, by word, if they can, or failing that, devoutly in their heart, invokes the name of Jesus, and accepts death as the penalty for sin, delivered by the hand of the Lord, and also receives plenary indulgence; and then, on those same

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days, now and in the future, to those admitted to the sodality, the following are to be observed: each year, on the feasts of the Nativity, the Paschæ of the Resurrection of our Lord Jesus Christ, the Body of Christ the Lord, and the Most Holy Heart of Jesus, as well as the feasts of the Conception, Nativity, Annunciation, Purification, and Assumption of the Blessed Virgin Mary, the Sorrowful Virgin, and the feasts of Mount Carmel; on the principal day of the association, namely, on the twenty-fourth day of the month of May, which falls on a Thursday, and finally, on the feasts of Saint Michael the Archangel, Saint Joseph, the holy Apostles Peter and Paul, and Saint Gregory the Great, Pope and Doctor, or on one of the seven consecutive days immediately following each of these feasts, as they may choose, and also on the second day of each month, from the middle of the day preceding until the middle of the night of that feast, they shall likewise confess their sins and be refreshed with heavenly food, and they shall visit their own archsodalitial church, if it exists, or any public church or chapel, and there they shall pour forth pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and for those days on which they do this, we likewise grant, with merciful kindness in the Lord, plenary indulgence for all their sins. Furthermore, to those faithful who are admitted to the aforementioned association, or who are to be admitted in the future, whenever they visit any public cemetery with a contrite heart, and there pray for the redemption of the souls of the departed, for seven years and forty days; on that day, according to the rules of the sodality, they shall recite the Our Father, the Angelic Salutation, and "Requiem aeternam," for five hundred days; likewise, on that same day, they shall recite the prayer "O glorious Virgin Mary," as it is included in the apostolic letters of February 10, 1905, sealed with the Fisherman's ring, for three hundred days; and finally, whenever they recite with a contrite heart the invocation: "O our Lady of Montligeon, pray for the souls held in the fire of purgatory," for each time they do so, we shall remove them from the number of those subject to penance, in the usual form of the Church, by one hundred. In addition to these, we grant that all Masses celebrated by any priest at any altar in any church or chapel, duly celebrated for a deceased member of the aforementioned association, shall benefit the soul for whom they were celebrated, just as if they had been celebrated at a privileged altar. Furthermore, we decree that the altar of the Blessed Virgin Mary of Montligeon, which exists in churches where the penitential Work has been canonically established, shall be endowed with the daily privilege of Mass, so that whenever any secular or regular priest celebrates Mass for the soul of a deceased member, it shall be as if it were celebrated at a privileged

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altar.

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis - Official Commentary: Whosoever of the faithful, joined to God in charity, shall depart from this life and celebrate the sacraments at this altar, shall obtain, through the intercession of the Church, a plenary indulgence for the soul, so that, through the merits of our Lord Jesus Christ, of the Blessed Virgin Mary, and of all the Saints, it may be delivered from the pains of purgatory, if it shall please God. Furthermore, We grant that priests, with the approval and consent of the Ordinary, and the elected Moderators of the Work, may, observing the prescribed regulations, enjoy this privilege three times a week at the designated altar. Finally, We grant permission that on the principal feast day of the association, each year, a plenary indulgence may be imparted, in Our name and in the name of the Roman Pontiff for the time being, with the attached plenary indulgence, to the registered members, in the places where the association is established, by the Bishop with the proper episcopal rite, or by the Moderators with a crucifix and under the sign of the Cross; or, in places lacking a Moderator, by zealous priests. Moreover, We grant to the members themselves, if they so wish, the faculty, except for the plenary indulgence always to be obtained at the hour of death, to expiate the imperfections and penalties of life through all other plenary and partial indulgences. Notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of indulgences, and all other Apostolic Constitutions and Ordinances, and all other things whatsoever to the contrary. These are valid for all times, present and future. We decree that to these present Letters, or copies thereof, even printed ones, provided they are signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity or office, the same faith shall be given as would be given to the present Letters if they were exhibited or shown. Given at Rome, near Saint Peter, under the Fisherman's Ring, on the eleventh day of June, in the year 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. v i TO THE BROTHERS WHO RECITE CERTAIN PRAYERS IN CHRISTIAN SCHOOLS, A PLENARY INDULGENCE OF 300 DAYS IS GRANTED. BENEDICT XV. For the perpetual memory of this matter. — Graciously considering the pious prayers offered to Us by Our beloved son, Himerius of Jesus, Superior General of the Brothers of Christian Schools, and having heard Our beloved son, Our Most Reverend Cardinal Penitentiary Major, concerning the mercy of Almighty God and the intercession of Saint Peter,

[*Latin ed. p. 315*]

Acta Benedicti PP. XV 315 • And Paul, trusting in the authority of these Apostles, grant to all and each of the Brothers of the same Institute of

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Christian Schools, wherever they may be on earth, now and in the future, that they may piously recite, in honor of St. John Baptist de la Salle, with at least a contrite heart, this prayer: "O God, who, in order to give a Christian education to the poor and to establish the youth in the path of salvation, raised up St. John Baptist, your confessor, and through him, formed a new religious family in the Church; deign to grant us, through the efficacy of his intercession and his examples, that, inflamed with zeal for your glory and the salvation of souls, we may, like him, one day be crowned in heaven. Amen," and we remove from the number of days of penance, according to the usual form of the Church, three hundred. Furthermore, we grant to the aforementioned Brothers, if they so wish, that, through this partial relaxation of penances, they may, once a day, expiate the defects of their lives and the penalties. Contrary to whatever may be. Valid for the present, future, and perpetual times. We decree that these present Letters, or copies thereof, even printed, be provided with the hand of a public notary, signed and sealed by a person holding an ecclesiastical dignity or office, so that the same faith be given to them as would be given to the present Letters if they were exhibited or shown. XVII Given in Rome, at St. Peter's, under the Fisherman's Ring, on the day of June, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. VII CONCERNING THE THIRD ORDER OF SERVANTS OF THE BLESSED VIRGIN IN SPAIN AND THE REGIONS FORMERLY SUBJECT TO IT, CERTAIN THINGS ARE DECREED. BENEDICT XV. For the future record. — It has been reported to Us that certain errors and abnormalities have gradually crept in among the Christian faithful who are being admitted to the Third Order of the Servants of the B.V.M. This occurs especially in Spain, whether because of the form of the scapular that is given to the faithful, or because of a rite that is different from that which this Holy See has prescribed, or for other similar reasons, and it happens not infrequently. Therefore, that all things may be brought back to the ancient laws, and that the minds of the faithful, with regard to obtaining indulgences, may be directed to this religious order,

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis - The Official Commentary, without any doubt, we gladly received the petitions of our beloved sons, the present Prior General of the Order of the Servants of the B. V. Mary, and, with apostolic authority, having also heard our beloved son, His Eminence, the Cardinal Prefect of the Sacred Congregation for Religious Affairs, we decree and establish the following, with the force of the present: that the sodalities of the Seven Sorrows of the Virgin Mary, established in the regions where the Spanish language is spoken, which are now considered to be consortia of the Third Order, although they are indeed simple confraternities of the Seven Sorrows of the same B. V. Mary, founded as

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if they were true consortia of the Third Order, and with any defects in their establishment corrected as necessary, may be lawfully maintained; and furthermore, we decree that, for all future times, in order to remove all doubt, only that consortium of the Servants of the B. V. Mary of the Third Order in Hispania and in the regions formerly subject to it shall be considered to be true and legitimate, which the Supreme Moderator of the entire Order, for the time being, shall erect by his diploma. With these things established, we strive with certain hope that this fruitful institution, whose end is worthy of all praise, namely, to honor the Sorrowful Mother of God with special devotion, will receive ever greater growth from day to day, despite any opposition. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 25th day of June, 1918, in the fourth year of Our Pontificate.

« P. CARD. GASPARRI, Secretary of State.

CERTAIN PRAYERS RECITED IN HONOR OF THE MOST HOLY HEART OF JESUS GRANT INDULGENCES.

BENEDICT XV.

For the perpetual memory of this matter.

We consider it necessary to foster religion towards the Most Holy Heart of Jesus with all diligence, because it corresponds to the divine desire of our Redeemer Christ, and to provide all assistance to all who are devoted to Him, especially to families dedicated to Him, from that fount of all eternal salvation. Therefore, we gladly received the wishes of our beloved sons, the present Prefect of the Belgian Congregation of Missionary Oblates of the Immaculate Mary, by which heavenly treasures are sought for the recitation of certain prayers. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, and having heard our beloved son,

[*Latin ed. p. 317*]

Acta Benedicti PP. XV 317, Sacred Roman Consistory. To the Most Reverend Cardinal Penitentiary Major*, We, by Our apostolic authority, grant, in the presence of you, to all Christian faithful, of both sexes, who, at least with a contrite heart, have recited, on any day of each month, the invocation: "Most Sacred Heart of Jesus, protect our families," in any language, and who, truly penitent and having confessed, and having received the Holy Communion, shall visit any church or public oratory, once in the month, on whatever day they choose, wherever they may be in the world, and there, having said prayers according to Our intention, shall recite the same invocation on that day, We mercifully grant and bestow upon them a plenary indulgence and remission of all their sins. Furthermore, to the faithful, on whatever day they recite this prayer, We remit three hundred days of the

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penitences prescribed to them, or of any other debts of penance, according to the usual form of the Church. We also grant that all these indulgences, remissions of sins, and relaxations of penances may also be applied for the benefit of the souls of the faithful detained in Purgatory, as a form of suffrage. Notwithstanding those who do the contrary. These decrees shall remain perpetually in force. Given at Rome, near Saint Peter's, under the Fisherman's ring, on the twenty-sixth day of June, in the fourth year of Our pontificate. P. CARD. GASPARRI, Prefect of the Sacred Congregation of the Holy Office.

LETTER TO THE REVEREND FATHER CAESARE PEDRINI, OF THE CONGREGATION OF CHARITY, MODERATOR OF THE "FROM THE TRANSIT OF SAINT JOSEPH" ASSOCIATION: COMMENDING THE ASSOCIATION, TO WHICH POPE BENEDICT IS MOST DEVOUTLY ATTACHED, AND GRANTING SPIRITUAL PRIVILEGES TO THE PRIESTS WHO ARE MEMBERS.

Beloved son, health and apostolic blessing.

While loving tears flow from Our eyes over the ever-increasing miseries of the afflicted humanity, there is no greater comfort for Us than to alleviate, as much as possible, the pains and sufferings that this atrocious and interminable war is multiplying every hour of the day throughout so much of the world. But Our apostolic charity cannot stop with those desolate children who are wandering in this valley of tears; for other thousands of beloved children are about to cross the threshold of...

[*Latin ed. p. 318*]

318 Acta Apostolicae Sedis - Official Commentary. The eternity of these things brings to Our heart the echo of their languid voice, invoking help through prayer for the blessed passage to the life to come. And We are comforted when We reflect that, for the spiritual aid of the poor who are dying, the pious Union of the Transit of Saint Joseph has been established, which, in a short space of time, has experienced a development and a spread that is fitting for the doubled need of sacred sacrifices and propitiatory prayers for the dying. Nor can We refrain from expressing the satisfaction We have felt in learning of the pious intention to make the collective good works of this holy Sodality more effective, by inviting the reverend priests to offer, in turn, a holy Mass for the dying of the day. And since the Roman Pontiff is the first among the ministers of the altar, so too do We wish to encourage this praiseworthy initiative and to promote this pious design by leading by example and accepting to celebrate, for this charitable purpose, the holy Sacrifice of the Mass; and We will do so on the first day of each month, or on the second, when the first is a holiday. Furthermore, as a greater encouragement, We grant to those pious priests who will annually offer a holy Mass for the poor who are dying, the faculty to bless, outside the city, and with the form of the Ritual, crowns, crucifixes, medals, small statues,

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and objects of devotion, applying to them the apostolic indulgences; the faculty to apply the indulgences of the Dominicans and Crocigeri to the crowns; the faculty to bless and to impose upon the faithful the scapulars of the Most Holy Trinity, of the Passion, of the Sorrowful Mother, of the Immaculate Conception, of Mount Carmel, and of the Holy Cincture of Saint Joseph, with a single formula, and the faculty of a personal, privileged altar each time they offer the Mass for the dying. Moreover, We grant to these same ecclesiastics a plenary indulgence at the point of death and on the principal feasts of Our Lord, of the Blessed Virgin, of the Espousals, of the Transit and Patronage of Saint Joseph, on the feast of Saint Michael, and on the anniversary of their sacred Ordination. And invoking upon this pious Society, through the intercession of its heavenly Patron, the abundance of divine favors, We impart from Our heart to You, beloved son, and to all those enrolled in this pious association, the apostolic blessing. From the Vatican, June 15, 1917. BENEDICT XV.

[*Latin ed. p. 319*]

319 The Acts of Pope Benedict XV (Latin Version). While grievous tears flow from Our eyes over the miseries of afflicted humanity, which are increasing more and more each day, there can be no greater solace for Us than if We strive to alleviate, as far as Our strength allows, the pains and torments which are multiplied almost every hour in that vast part of the world, on account of this cruel and perpetual war. Indeed, Our Apostolic charity cannot encompass only those who wander in this valley of tears; there are also others, and many beloved children, who are already on the very threshold of eternity, whose plaintive voices reach Our ears and Our heart, imploring help in their prayers, so that they may happily pass over into eternal life. And We are greatly consoled whenever We consider that the pious Confraternity "of the Transitus of St. Joseph" has been instituted to provide spiritual assistance to the dying, and that, in a short time, it has grown and spread just as the necessity for sacred oblations and pious prayers for those who are departing has increased. Nevertheless, We cannot refrain from also declaring that We have experienced great joy from the proposal made to strengthen all that is done in common within the Confraternity, by requesting priests to celebrate a certain number of Masses, in turn, for those who are within the day of death. Indeed, since the Roman Pontiff is the prince of all priests, We desire to foster this undertaking with merit and praise, leading the way for all and promising that We Ourselves will, on the first day of each month, or, if the first day is a feast day, on the second day, offer the Holy Sacrifice. Furthermore, that this praiseworthy work may be encouraged more and more, We grant to those priests who will celebrate a certain number of Masses each year for the dying, the faculty of blessing, outside the city, and according to the form of the Ritual, crowns, crucifixes, medals, small images, and other objects of a similar nature pertaining to

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religion, and of applying to them Apostolic Indulgences; the faculty of applying to crowns the Indulgences of the Dominicans and the Crosiers; the faculty of blessing and bestowing, through a single formula, the scapulars of the Most Holy Trinity, of the Passion, of the Sorrowful Mary, of the Immaculate Mary, of Our Lady of Carmel, and the Scapular of St. Joseph, and the faculty of using a privileged altar whenever they celebrate Mass for the dying. Furthermore, We grant to these same priests a plenary indulgence in articulo mortis, as well as on the more solemn feasts of Our Lord, of the Blessed Virgin, of the Annunciation, of the Assumption, and of the Transitus.

[*Latin ed. p. 320*]

Acta Apostolicae Sedis - Official Commentary 320, concerning the Patronage of St. Joseph, on the feast of St. Michael and on days when the priesthood is promoted. Finally, to the Pious Sodality, earnestly imploring an abundance of divine graces through the intercession of its heavenly Patron, we impart, with a heartfelt spirit, the apostolic blessing to you, beloved son, and to all who have given their name to this holy Union. From the Vatican, on the fifteenth day of June, 1917. BENEDICT XV.

To the Most Reverend Norbert Schachinger, General of the same Order, and Abbot of Prémontré, and to Abbot Schlaglense, concerning the Abbey of Schlaglense, which was founded in the seventh century.

Beloved son, greetings and the apostolic blessing.

We have learned with pleasure that next month, on the fifth day, when seven hundred years will have passed since the founding of the Abbey which you diligently govern, sacred solemnities will be celebrated for four days. This auspicious event deserves to be celebrated by you, as a private and domestic matter. For in the monastery of Schlaglense, the splendor of religious discipline has always shone, and from it, as from a dwelling place of virtues, outstanding assistance for eternal salvation has always flowed to the surrounding area. Therefore, it is fitting and appropriate that, sharing in your joy, we also increase it with some act of our apostolic authority. Wherefore, to those who visit the abbatial church, we grant an indulgence of seven years, and forty days; and to those same, if they have previously confessed and received the Most Holy Eucharist, we grant a plenary indulgence once. And to you, beloved son, we grant this, that you may, in our name, once bless the people, or through another, and grant a plenary indulgence, with the usual conditions, freely. And as a witness to the divine favor and to our benevolence, we impart, with the greatest love in the Lord, the apostolic blessing to you, beloved son, to your members, and to the people entrusted to your care.

Given in Rome, at St. Peter's, on the eighteenth day of June, in the fourth year of our pontificate.

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BENEDICT XV. 1918.

[*Latin ed. p. 321*]

321. Acts of Pope Benedict XV. To the Most Reverend and Reverend Father Willibald Hauthaler, O.S.B., Abbot of St. Peter in Salzburg; to whom he offers congratulations upon the completion of years of priesthood. Beloved son, greetings and the apostolic blessing. — It pleases Us greatly, when, by the grace of divine goodness, a happy occasion arises, to express our joy. Therefore, having learned that you are about to complete ten years of priesthood, We desire nothing more than to signify to you Our benevolence, which is in perfect accord with the high opinion We have of you. For you have not only diligently governed this Abbey, founded by St. Rupert, but you have also contributed greatly to restoring the monasteries of your Order in Austria to their former sanctity. In addition to these merits, you have also earned a most honorable praise, which is contained in the preservation and illumination of monuments from ancient times. And We, in order to testify to Our charity towards you, while praying that all things may be happy and salutary for you from God, also grant that, on that blessed day, you may, through a solemn observance, receive a plenary indulgence in Our name, under the usual conditions. And may the apostolic blessing, which We bestow upon you, beloved son, and upon all those dear to you in the Lord, be a witness to the gifts of heaven and to Our will. Given in Rome, at St. Peter's, on the nineteenth day of the month of June, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV.

322. To the Reverend Father James Ogier, of the Sodality for the Pope and the Church, which is adorned with praise and commended. Beloved son, greetings and the apostolic blessing. — Both your letter, full of piety and obedience, and the report in which you detailed the activities of the sodality which you preside over for the past year, have pleased Us greatly. We are pleased that this work, which is so beneficial and opportune in these difficult times, has persevered and has even gained something in the way of progress, and We hope that it may continue to flourish more and more. For, with the co...

[*Latin ed. p. 322*]

322 Acta Apostolicae Sedis - Commentarium Officiale. Since the matters have been presented, diligent effort will be given to ensure that Christian peoples, which, due to a raging war, have been separated by conflicting reasons and causes, are united more closely by a bond of charity; and, in order to safeguard against new dangers of war, they may observe the eternal laws, under the guidance and instruction of the Vicar of Jesus Christ. To defend the homeland is indeed a great and important duty: but let the Christian always remember to care for his earthly homeland in such a way that he does not lose his heavenly homeland; "for we have not here a lasting

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city: but we seek one that is to come." In order to attain that, it is absolutely necessary to listen to Him, to obey Him, to whom the keys of the kingdom of heaven were given to Peter. And what is most important, you strive with the greatest effort to carry out this very thing, and to instill this same purpose in the minds of others through your own institute. Therefore, do not cease to pursue this diligently, which we highly approve of. We have a witness to your faith and piety in the Petrine offering; for which we thank you and all those who contributed to it. And may the apostolic blessing, which we impart to you, beloved son, to the moderators of the association in each nation and diocese, and to all members, both clergy and laity, most dear to us in the Lord, be a testament to the heavenly gifts and the paternal benevolence of Our own. Given in Rome, at St. Peter's, on the twenty-fifth day of the month of June, in the year 1918, in the fourth year of Our pontificate.

† BENEDICTUS P. P. XV

TO THE REVEREND FATHER D. HENRY JOULAIN, BISHOP OF JAFFNA, TO WHOM WE ADDRESS THESE WORDS OF GRATULATION UPON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF HIS EPISCOPAL ORDINATION. Venerable brother, greetings and apostolic blessing. We have learned with great joy that the twenty-fifth anniversary of your episcopal consecration will be publicly celebrated here, and we are most pleased. For the reasons that lead us to congratulate you, they also move us ourselves. We know that the time you have spent in governing this diocese has been filled with merits, in which, besides the most useful institutions for promoting the kingdom of Jesus Christ, for properly educating children of both sexes, and for protecting youth from the dangers of idleness and apathy, there is that which is especially pleasing to Us:

[*Latin ed. p. 323*]

The acts of Pope Benedict XV, page 323, attest to the fact that you have diligently cared for the spiritual needs of the indigenous people. Therefore, We desire not only to enhance this auspicious day with a certain splendor, but also with fruit; and for this reason, We grant you the power to once bless Our people in Our name, and to grant a plenary indulgence, under the usual conditions. And may the heavenly gifts and Our benevolence be a witness to you, venerable brother, and to all the clergy and people under your care, as We lovingly bestow upon you the apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the twenty-seventh day of the month of June, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV.

TO THE MOST REVEREND ADOLF FRITZEN, BISHOP OF STRAS-

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BOURG, ON THE HAPPY OCCASION OF HIS EIGHTIETH BIRTHDAY.

Venerable brother, greetings and the apostolic blessing.

May the virtues which you possess in abundance be recognized by all, and may your people of Strasbourg, with due merit, follow your birthday with those expressions of joy which grateful sons can devise in these difficult times. We also wish to congratulate you, whom We have long observed with piety in this Chair of Peter, for the diligence of your pastoral ministry. Therefore, We give thanks to God with you, for having preserved you to this day; and We pray that, as you continue to diligently serve this Church for a long time, you may also be increasingly approved by Us, in the hope of heavenly rewards.

In order to honor this day and to enrich it with spiritual fruit, We grant you the papal blessing with a plenary indulgence, under the usual conditions, to be imparted once, either by you or by another. And may the divine blessings, and especially the witness of Our benevolence, be a testament to you, venerable brother, and to the clergy and people under your care, as We lovingly bestow upon you the apostolic blessing in the Lord.

Given in Rome, at St. Peter's, on the thirtieth day of the month of June, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 324*]

Acts of the Apostolic See - Official Commentary 324 VII, Addressed to the Most Reverend Father Michael Felice Korum, Bishop of Treves, expressing gratitude for the outstanding testimony and pledge of piety he had offered. Venerable brother, greetings and the apostolic blessing. The official letter, by which you testified to your own and your people's piety with equal devotion, was most pleasing to Us, especially because it pertains to Our cares and concerns in these difficult times. Indeed, We are comforted and encouraged by the confirmation of good things concerning those matters with which We have been working, without interruption, to mitigate or end the war. We have certainly contributed to the common good as much as We could, and perhaps, with God's help, even more than some prejudiced people might assume. However, We do not cease to pursue Our duty to the best of Our ability; and since nothing is more fitting than to implore divine mercy, We shall persevere in this, with all good men assisting. It remains for Us to thank you, venerable brother, for striving to provide assistance to the needs of this Apostolic See, to which you are so devoted; and We were deeply touched by what you wrote concerning the captives from France, military leaders who, with the utmost generosity, contributed to your fund. May God repay you abundantly with the gifts of His grace: and as a special sign of Our benevolence, We impart to you, venerable brother, and to your clergy and people, Our apostolic blessing, earnestly in the Lord. Given in Rome, at St. Peter's, on the third day of the month of May, in the fourth

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year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 325*]

Sacred Congregation of the Consistory, 325. ACTS OF THE HOLY CONGREGATIONS. SACRED CONGREGATION OF THE CONSISTORY, I, CONCERNING THE FACULTY OF APPLYING MISSES IN FAVOR OF SEMINARIES. Certain Bishops inquired whether the decree of the Sacred Congregation of the Consistory of April 25th of this year, by which the faculties granted by the Holy See to Ordinaries through common indults were declared to cease on the day that the Code of Canon Law came into force, included certain indults granted to some dioceses concerning the application of Masses in favor of Seminaries. In response to this doubt, by order of the Most Holy Fathers, the Sacred Congregation replied: The aforementioned indults were not included, and therefore remain in full force. Given in Rome, from the offices of the Sacred Congregation, on this first day of July, 1918. C. CARD. DE LAI, Bishop of Sabina, Secretary. L. © S. f V. SARDI, Archbishop of Caesarea, Assessor.

II. PROVISIONS FOR CHURCHES. By decrees of the Sacred Congregation of the Consistory, the Most Holy Pope Benedict XV, in providing for the churches, has made the following provisions: July 2nd, 1918. – To the Cathedral Churches of Melphicta, Giovinazzo, and Terlizzi, he appointed the Reverend Father John Iacono, canon penitentiary of the metropolitan church of Catania, and rector of the seminary. July 10th. – To the metropolitan church of Tuam, he appointed the Reverend Father Thomas Gilmartin, formerly Bishop of Clonfert.

[*Latin ed. p. 326*]

326 Acta Apostolicae Sedis - Official Commentary, July 17th. — To the Archiepiscopal Church of Aquila, the Most Reverend Adulphus Turchi, formerly Bishop of Canopita and Secretary of the Sacred Congregation for Religious. July 18th. — To the Cathedral Church of Detroit, the Most Reverend Michael Gallagher, formerly Bishop of Grand Rapids. — To the Cathedral Church of Baker, the Reverend Terentius George Brady, pastor of the Cathedral Church of Dubuque. — To the Cathedral Church of Galveston, the Reverend Christopher Byrne, pastor of the Church of the Most Holy Name of Jesus in the Diocese of St. Louis. — To the Cathedral Church of St. Anthony (Texas), the Reverend Arthur Drossaerts, pastor of the Church of St. Joseph in "Baton Rouge" in the Diocese of New Orleans. — To the Cathedral Church of Duluth, the Reverend John Mac Nicholas, a member of the General Council of the Order of Preachers. — To the newly erected Cathedral Church of Lafayette (January 11, 1918), the Reverend Julius Jeanmard, formerly the chancellor and apostolic administrator of the Diocese of New Orleans. July 19th. — To the titular Archiepiscopal Church of Stauropolitana, the Most Reverend Richard Ysasa, formerly the titular

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Bishop of Anemurien.

SACRED CONGREGATION FOR THE DISCIPLINE OF THE CLERGY, June 2, 1917.

CASE PRESENTED. — At the end of the year 1913, due to the division of territory, the parish of the archpriest of the place called Gasai Zurrico in the Diocese of Melevita was divided, and the parish of the town of Birzebbugia was established. However, the archpriest scarcely hesitated to deny the new pastor his rightful jurisdiction, under the pretext that some of the parishioners, although maintaining a quasi-domicile in the new district, still retained their principal or equal residence in the old one. Consequently, when two Catholics died in the territory of the filial church, both of whom had their domicile in the mother parish and a quasi-domicile in the filial church, the archpriest, entering into foreign territory, did not hesitate to take up their bodies, to transport them, and to bury them in his own church. This controversy that arose was brought before the Apostolic Administrator (who was then vacant in the See).

[*Latin ed. p. 327*]

327. The Holy Congregation of the Council of Bishops was informed of this matter, and, having considered both sides, issued a decree on September 19, 1914, stating that "the burial rites should be performed by the parish priest of the deceased's domicile, wherever the death may occur; in this case, however, it is established that the deceased maintained their domicile in the place of Casale Zurigo." The parish priest appealed this decree to the Holy See, which, awaiting the arrival of the new Bishop, requested his opinion on the matter. The new Bishop pointed out an unusual custom that arose after the resolution of the Holy See, dated April 30, 1904 (cf. Thesaurus resolutionum S. Congr. Concilii, vol. GLXIII, year 1904, page 505, and following), by virtue of which, in the diocese of Melvitana, a parish priest had the right to bury his own son, wherever the death might occur; but he recognized that this custom, as it seemed to stem from an interpretation of the aforementioned resolution, and was not sufficiently supported by legitimate precedent, could not be easily maintained. However, considering that this right, once introduced into the diocese, could not be easily removed, although it had been ordered by the aforementioned resolution of the Holy See, dated April 30, 1904, to perhaps avoid future disputes, the Bishop strongly proposed and urged that this rule be established for all burials in the entire diocese of Melvitana, namely: "It exclusively belongs to the parish priest to perform the funeral rites, except in cases of elective burial or for non-Christians, in the parish where the Christian faithful died, even if they did not have a domicile or quasi-domicile there." He adduced, in support of this, an analogy with the decree *Ne temere*, concerning the

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valid celebration of marriages, and the principle of equity, since generally, a parish priest administers the sacraments to the dying in his parish, and also the particular circumstances of the place, as will be explained below. Therefore, it was decided to submit the entire case to the judgment of the Fathers, with the following questions: I. Should the decree of the Administrator be confirmed or annulled? II. How should the petition of the Bishop be received in this case, concerning the Apostolic decree of September 19, 1914?

SYNOPSIS OF THE DISPUTATION. - The opinion of the Consultor can be summarized as follows:

I. Regarding the first question, both sides assumed that the deceased in this case had their domicile in the archpriestal parish, while in the new parish, they only had a quasi-domicile. This, at the very least, can be considered as fully affirmed; there are sufficient reasons to suspect that the asserted quasi-domicile in the new parish is true, and that the domicile was in the other parish, in which case any controversy would cease. If the contrary is admitted, then only the following remains to be investigated: what, in fact, is the law concerning...

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis - Official Commentary: Regarding a deceased person who dies in a parish where they have a quasi-domicile, whether they have a designated burial place or a family tomb: whether the body should be transported to the parish of their domicile so that the funeral rites may be performed there, or whether, rather, the pastor of the quasi-domicile parish has a private right to the burial. But this question is very straightforward: at present, the most common doctrine is that "he who has a quasi-domicile in a parish and a domicile (real or legal) in another parish, and dies in the place of his quasi-domicile, is also buried there, although it is easily possible to transport him to his domicile." The reason is that the pastor of the quasi-domicile is truly and properly the pastor, and therefore the same thing must be said about him as about one who has a double domicile" (Many, De loc. sacris, p. 279, 2°, De quasi-domiciliatis, b). "The pastor in whose parish the deceased had their true domicile or even a quasi-domicile, has a private right to perform the burial there, either by himself or through his delegate" (Wernz, Ius decret., I I I , n. 776). The same is stated in the Synopsis rerum moralium et canonicarum (n. 2143, vol. I I , v. Exequiae): "He who dies in the place of his domicile or quasi-domicile, and elsewhere has a domicile or quasi-domicile, must be buried where he died (Ferraris, v. Sepultura, n. 25), unless he has chosen a burial place or has a family tomb there; but in any case, the pastor of the domicile, if the deceased died in the place of the quasi-domicile and, conversely, had no right, not even to the fourth funeral rite," because, indeed, even through the quasi-domicile, the parish is acquired, and therefore, when someone dies

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in the place of the quasi-domicile, their own pastor is no one other than the pastor of the quasi-domicile. This is confirmed by numerous resolutions of the Holy Sacred Congregation, even recent ones, e.g., Reatina, Regarding the association of a body, December 22, 1866; Cremen., Regarding the emoluments of funerals, March 12, 1881; Ariminen., Regarding the sacraments and funerals, March 24, 1888; Novarien., Regarding funerals, May 27, 1893, etc. As for the custom, we know, as the Bishop reports, that formerly, for a very long time, in the entire island, the custom was that when a body of a person who had died outside the boundaries of their own parish was found, the pastor of the place would take it, but only to the boundaries of his own parish, where the pastor of the deceased would receive it. But after several contrary decisions of the Holy Sacred Congregation, starting from 1881, there was a gradual departure from this custom, to which the final blow was dealt by the resolution given on April 30, 1900, which stated "that in this case, the common law must be observed." Subsequently, however, gradually and without apparent reason, another custom arose, perhaps arising from a misunderstanding of the aforementioned resolution, by virtue of which the pastor of the domicile would have the right to take, associate, and perform the funeral rites of the deceased, even if they had a quasi-domicile in the place of death. Furthermore, the Bishop notes that only a few cases are cited.

[*Latin ed. p. 329*]

The Holy Congregation of Councils has ruled that, even if a death occurs under certain circumstances, the opportunity to exercise pastoral care should not be neglected. Regarding the law, it is indeed certain that a legitimately established custom can establish the exclusive right of the parish priest to bury the faithful who reside within his parish, even if they die in a place that is not their domicile. Therefore, as many (loc. cit.) add after the aforementioned words: "Unless otherwise stipulated by custom." However, it must be considered what kind of custom is required; and since the custom pertains to the parish priest of the quasi-domicile to perform the funeral rites of a deceased person who lived in his parish, the question arises as to what period of time is necessary to establish such a custom against the rights of the proper parish priest. It is well known that, according to some authorities, a custom requires to be immemorial, while others require it to be centennial, others require it to be forty years old with a title (cf. Petra, Comm. in Constitutionem IX, Innocent. III, vol. II, n. 55; cf. Barbosa, De Parocho, p. III, cap. XXV, n. 16, etc.), and no one is satisfied with a mere ten-year period. But even if we were to concede that a ten-year custom could be sufficient to establish a right against the quasi-domicile parish priest, in fact, no such ten-year custom exists. And indeed: 1) such a custom does not exist against the parish of Birzebbugia, which was established in 1913 (cf. caus. Melevitana - Praestationis, d. 21 Apr. 1917, supra, p. 245); nor

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2) can it be said to be general in the diocese, because its existence has not been demonstrated among all, nor has it been recognized since 1914 by the Bishop of Malta, who reported it to the Holy See as arising from an erroneous interpretation of a resolution of the Holy See. Therefore, neither legal doctrine nor the asserted custom provides any basis for the decision of the Apostolic Administrator in this case.

II. The second point concerns the request of the Bishop for a new rule to be established, by virtue of which the funeral rites of the deceased would always be performed by the local parish priest, except in the cases of pagan burials or the burial of elected officials, even if the deceased does not have a domicile or quasi-domicile there. The reasons given by the Bishop are: 1) Analogy with the law established by the decree *Ne temere*, concerning marriages. Indeed, according to the decree *Ne temere*, the jurisdiction for the celebration of marriages is purely territorial, so that the parish priest or Ordinary of the place where the marriage is celebrated always validly presides over the marriage. It would be desirable for the same to apply to funerals, at least within his diocese. 2) And indeed, this approach seems to be more in line with justice: "In fact, it is the parish priest of the place where the individual dies who is called upon to administer the last sacraments, to assist him in his agony, and..."

[*Latin ed. p. 330*]

Acta Apostolicae Sedis - Official Commentary 330 « concerning exposing oneself, when the illness is infectious and contagious, to the danger « of contracting it? etc. ». a 3. Finally, the Bishop believes that, if this rule were established for his diocese, the controversies and objections that it raises, and which persist even after the resolution of the Holy Sacred Congregation of 1904, could be completely eliminated. However, these arguments do not seem to carry much weight. The first and second reasons, as is evident, are of a general nature, and therefore, if they were to prove anything, they would suggest that the law concerning funerals should be changed for the entire Church. But here comes the well-known principle: that what is too general proves nothing, that is, it proves nothing specifically relevant; and since the question at hand is not about establishing a general law, but about enacting a particular law, these general arguments clearly do not demonstrate anything. Furthermore, even considered in themselves, they seem to be completely flawed. Firstly, they lack analogy with the decree *Ne temere*, because it is true that the parish priest of the place always validly assists at marriages, but he is only licitly permitted to do so if he is the parish priest of the domicile or of the place of temporary residence, which is considered as a quasi-domicile. But in order for the analogy to be valid, it should refer to licitness, from which the parish priest who assists at the marriage derives his fruits; for precisely under this aspect, a comparison can be established between the legislation concerning marriage and that

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which governs funerals. In the matter of funerals, the question is not, in fact, whether the funeral rites are valid or invalid; but only about the right to perform them, from which the just fruits are derived. Nor is the second reason more compelling, because, in fact, when the distance is so great that the dying person cannot be assisted by their own parish priest, nor can the body be conveniently transported to their own parish; and therefore, the parish priest of the place who cared for the sick person is also entitled to perform the funeral rites, according to the common law, provided that the rights of the parish priest of the deceased are respected. Furthermore, if one extends this consideration of equity too far, one might say that it is unjust, for example, to choose burial outside one's own parish, to the detriment of one's own parish priest who has faithfully ministered to the faithful throughout their life, etc. Therefore, since this general law exists, everything is balanced, and those who today receive benefits without labor will, tomorrow, be obliged to labor without receiving benefits. Nor does it seem that these very minor difficulties, which, after what has been said, are barely admissible in practice, should overturn this general principle of law in matters of funerals, namely, that a person should be buried where they are accustomed to receive the sacraments and divine services, that is, in their own parish. As for the third reason, those local circumstances only refer to the asserted custom introduced after the resolution of the Holy Sacred Congregation of 1904; but, since this custom is recent and not so general, it seems easier to...

[*Latin ed. p. 331*]

331 The Holy Congregation of the Council can be eradicated, and that older and unforgettable one, which once flourished, and after that resolution ceased entirely. For custom is overcome by custom. After these matters were brought forth by the Consultant, only a few things were presented concerning the second doubt; for the proposal of the Bishop, since it was conceived to foster harmony among the pastors, did not seem to be to be rejected from the outset, because it was supported only by general reasons. For it was not a question of a general change in burial law, but of a single case, and indeed a rare one, in which a person who was not a resident died outside the parish of their domicile. And although this case is also foreseen and provided for by common law, it does not seem to prevent a special regulation from being made for the cause, especially since, if this regulation were generally accepted by the pastors, it would cause no prejudice, provided that the loss resulting from the accidental death of their own parishioner would be compensated by the benefit of receiving payment in a similar case from a parishioner of another parish. Furthermore, there were special reasons in the Bishop's petition, such as the poverty of some parishes, especially those newly established, in which it is easier for outsiders to move and sometimes to die outside their usual place of residence;

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and also the reason for providing for the funerals of the poor, about whom the pastors, whether for the sake of their domicile or quasi-domicile, are not always concerned. Therefore, it seemed advisable that the pastors of the entire diocese should be gathered together in the next synod or otherwise to hear about the moderation of the law proposed by the Bishop; and if at least the majority agreed, through a mutual agreement as has happened in other cases, the matter could be concluded by the Holy See, so that this remedy would be the most prudent and effective for preventing and resolving future disputes.

RESOLUTION. - After the matters were presented in the plenary session of the Holy Congregation of the Council, held on June 2, 1917, in the Apostolic Palace at the Vatican, concerning the doubts mentioned above, the following response was given:

To I. "The decree of the Apostolic Administrator of September 19, 1914, is not to be maintained, but common law is to be followed."

To II. "As provided in the first [question]."

The resolution of the Holy Fathers, Our Most Holy Lord Benedict, Divine Providence, Pope XV, having been pleased to approve and confirm it in a hearing on the 4th of the same month and year, upon the report of the undersigned Secretary.

I, Secretary.

[*Latin ed. p. 332*]

Acta Apostolicae Sedis - Official Commentary 332

SACRED CONGREGATION FOR RITES

I. HERBIPOLE.

CONCERNING THE VOTIVE MASS OR COMMEMORATION FOR ENGAGED COUPLES.

The current Bishop of Herbipole humbly presented the following questions to the Apostolic See, for appropriate clarification:

According to Canon 1108 of the Code of Canon Law, Ordinaries of places may, for a just cause, permit the nuptial blessing even during the time of Advent and up to and including the Nativity of the Lord, and from the Fourth Day of Ashes up to and including the Sunday of Easter, provided that the liturgical laws are observed.

Therefore, the following questions are asked:

I. If the Ordinary, by virtue of this permission, which does not appear to be limited, permits the nuptial blessing on the Nativity of the Lord and on

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the Sunday of the Resurrection, is it permissible to add a commemoration for engaged couples to the Mass of the respective feast, although these feasts, like other feasts such as Epiphany, Pentecost, the Most Holy Trinity, and Corpus Christi, exclude any other prayer?

II. Is it permissible to celebrate a votive Mass for engaged couples during the prohibited time?

III. During vigils, which are privileged times outside the prohibited time, namely Pentecost and Epiphany, is it permissible to recite the votive Mass for engaged couples?

The Sacred Congregation for Rites, after hearing the opinion of a special commission, and taking into consideration Canon 1108 of the Code of Canon Law, together with the rubrics of the Missal, considered that the following answers should be given to the questions posed:

To I: Affirmative, under one condition.

To II: If the Ordinary of the place, for a just cause, permits the solemn nuptial blessing even during the aforementioned prohibited time, a votive Mass for engaged couples may be celebrated; except on Sundays, feasts of precept of the first and second class, privileged octaves of the first and second order, privileged weekdays, and the vigil of the Nativity of the Lord.

To III: Negative in both vigils.

And thus it was decided and declared, on June 14, 1918.

Pg A. CARD. VICO, Archbishop of Porto and Santa Rufina, Servant of God.

Pro-Prefect.

L. & S. Alexander Verde, Secretary.

[*Latin ed. p. 333*]

The Congregation of Rites, 333 II, PORT-LOUIS, or Évreux. Decree concerning the introduction of the cause of beatification and canonization of the Servant of God, James Desiderat Laval, priest, missionary of the Congregation of the Holy Spirit. Among the numerous children whom noble France has produced, and whom the Catholic Church has not only regenerated in Christ, but also consecrated as priests and sent to preach the Gospel in distant lands, James Desiderat Laval, priest and missionary of the Congregation of the Holy Spirit, deserves to be remembered for his ardent zeal and divine charity. Born of pious and honorable parents in the town of Groth, in the diocese of Évreux, in France, on September 18, 1803, from his childhood he showed himself to be gentle, obedient, devout, and inclined to help the poor. He received the rudiments of learning from the local parish priest of Tourville, his uncle. He pursued and completed his studies in the Minor Seminary of Évreux and in the College of St. Stanislaus in Paris. Faced with the choice between the clerical and medical professions, he chose the latter, and, having completed a commendable course

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of study, he was awarded the degree of Doctor in 1830. There he exercised his profession in a place called St. André, caring for the sick with no less diligence than he sustained them with kindness and generosity. He somewhat indulged in the examples and conversations of his equals and friends, and in worldly pleasures, although permissible; but he soon moved to the place commonly called Ivry-la-Bataille, having abandoned these follies and vanities, and following better examples and advice, he led a pious, austere, and active life, combined with his medical profession. An event then occurred which called him to a more perfect state of life and to the care of souls, if it pleased God. Returning from the place of Yilliere-en-Desouvre on horseback, he suddenly fell to the ground, and it seemed that he was about to die. But, awakening and astonished, he rose up, healed and inwardly enlightened. Burning with a desire to dedicate himself entirely to divine service, he presented himself to the Parisian Seminary of St. Sulpice, where, having completed the theological disciplines with great distinction, and at the same time diffusing the fragrance of his virtues, he was ordained to the holy priesthood in the Seminary's chapel in December of 1838. He was elected to the curacy of the parish of Pinterville, and shortly thereafter also to the parish of Acquigny, where he diligently performed the duties of a good pastor for two years, with the great esteem and edification of the flock; and he...

[*Latin ed. p. 334*]

334 Acta Apostolicae Sedis - The official commentary states that those traveling through [the area] were assisted by St. Vincent de Paul. The Servant of God, desiring to promote the good, having thoroughly recognized the Venerable Francis Mary Paul Libermann and his virtues and works while in the Parisian seminary, spontaneously and willingly joined the missionary society founded by him with paternal care and love, under the invocation of the Immaculate Heart of the Blessed Virgin Mary, and destined to evangelize the non-believers in Africa, at the beginning of the year 1841. Although scarcely a decade had passed since the founding of that society, while the congregation founded by the excellent priest Claude Francis Poullart des Places in Paris in 1703, under the title of the Congregation of the Holy Spirit, was pursuing almost the same work of evangelizing the poor and abandoned souls, especially in the colonies of France, the Venerable Libermann, along with his companions and James Laval, with an outstanding and concordant example of humility, joined this Congregation. Thus, from these two societies, a strong and glorious congregation, rightly recognized for its number of priests and its virtues, arose: the Congregation of the Holy Spirit. This Congregation, shining with doctrine, piety, and apostolic zeal, and, under the same Venerable Francis Libermann as its leader, was also entrusted with the founding and administration of the French Seminary in the City [Rome], which Seminary, having greatly de-

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served the favor of the Church and France, and adorned with the pontifical title, was enriched with the testimonies of illustrious Roman Pontiffs and bishops of France. Under the religious discipline of the same Congregation, and at the request of the Most Reverend Bishop of Port-Louis, on the island of Mauritius, and with the permission of the Most Reverend Ordinary of Ã‰vreux and the Superiors of the Congregation, James Laval gladly set out for that island, and happily arrived on September 14, 1841. There, for twenty-three years, until his death, he gained a reputation as an exemplary priest, a perfect religious, and an intrepid apostle. For the island of Mauritius, which Father Laval found to be a desert and uncultivated land, he cleansed and cultivated with diligent work and ministry, using also science and the art of medicine, so that, overcoming all obstacles, threats, and vexations, the Negroes of that island, who had been freed from slavery shortly before, were converted to the faith and the morals of the Catholic religion, numbering approximately sixty-seven thousand. Meanwhile, Father James Desideratus Laval, whom the Lord found to be vigilant and rich in virtues and intellect, was already suffering from a weak constitution and weakened in strength, and finally, he was seized by a serious and apoplectic illness, and, having piously received the sacraments of the Church, and sweetly invoking Jesus, Mary, and Joseph, he peacefully passed away on September 9, 1864. The reputation for sanctity that the Servant of God acquired during his life, after his death...

[*Latin ed. p. 335*]

335 The Holy Congregation of Rites grew so much in influence that people of every rank, sex, and dignity esteemed and called the Most Holy Man by that name, and visited his tomb individually and in groups, adorning it with flowers, and embraced the deceased with devoted memory and great affection, as if he were still alive. Therefore, in the dioceses of Port-Louis and Ebroicen, the aforementioned reputation led to the Inquisitions being endowed with the authority of the Ordinary and transmitted to the Holy Congregation of Rites. When all things were clear, and after a proper review of the writings of the Servant of God, nothing hindered further progress. At the urgent request of the Reverend Father Alphonse Eschbach, General Procurator of the Congregation of the Holy Spirit and promoter of this cause, and with the attentive letters of request from certain Eminences of the Most Holy Roman Church, as well as from numerous Roman prelates, and from superiors of Orders, Congregations, and Sodalities of both sexes, from distinguished doctors of medicine, and from other men and women of importance, holding offices, dignities, or titles of nobility, especially from the fortunate island of Mauritius and from France, which is called the motherland and protector of missionaries, the Eminent and Reverend Cardinal Philip Giustini, Promoter or Relator of this cause, proposed the following question to be discussed at the meetings of the Or-

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dinary Congregation of Sacred Rites, convened in the Vatican: "Should a Commission for the Introduction of the Cause be appointed in this case and for the purpose under consideration?" And the Eminent and Reverend Fathers entrusted with the care of sacred rites, after the report of the aforementioned Promoter, having heard the voice and the written statement of the Reverend Father Angelo Mariani, General Promoter of the Faith, and having carefully considered all things, decided to write: "A Commission for the Introduction of the Cause should be appointed, if it pleases the Most Holy." On June 25, 1918. Subsequently, these matters were reported to our Most Holy Lord Pope Benedict XV by the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, and His Holiness, approving the rescript of the same Sacred Congregation, deigned to sign personally the Commission for the Introduction of the cause of beatification and canonization of the Servant of God James Desiderati Laval, a missionary priest of the Congregation of the Holy Spirit, on the 26th of the same month and year.

Ijg A. CARD. Vico, Prefect of Portuen and S. Rufinae, His Eminence, Pro-Prefect. E. © S Alexander Verde, Secretary.

[*Latin ed. p. 336*]

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ACTS OF THE ROMAN ROTA

OF THE SACRED TRIBUNALS

REstitution IN INTEGRUM

During the happy reign of Pope Benedict XV, in the third year of his pontificate, on the 7th of August, 1917, the Most Reverend Fathers, Doctors William Sebastiani, Dean, Ponens, Seraphinus Many, and John Prior, Auditors of Tournon, in the case of Novara - Restitution in Integrum, between the Reverend Vincent Bairate, or the Congregation of Parishes of Novara, represented by the legitimate procurator Vincent Sacconi, advocate, and the Reverend John Pellagatta, represented by the legitimate procurator Angel D'Alessandri, advocate, with the Reverend Promoter of Justice intervening and disputing, rendered this definitive judgment.

In Novara, there exists a certain College of Parishes of the city and its suburbs, established from the eleventh century and recognized by ecclesiastical authority. Priests who hold parishes, whose predecessors were the founders of the College, are by right members of that College; the others are members by benefit and the generosity of the members, hence the distinction between members by right and members by grace.

In the year 1913, the Reverend John Pellagatta, parish priest of Saint

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Michael in the main hospital of Novara, requested admission to the College. The College, accepting this petition, admitted him as a member by grace. This displeased the Reverend Pellagatta, and believing that he was entitled to admission by right, he instituted an action against the College before the Diocesan Curia; on the 8th of November, 1911, a judgment favorable to the plaintiff was issued: "It belongs to the parish priest for the time being of Saint Michael in the main hospital of Novara, and consequently to the plaintiff, Reverend John Maria Pellagatta, the right to belong to the venerable Congregation of the urban and suburban parish priests of Novara."

On the 16th of the same month, the Reverend Vincent Bairate, parish priest of Saint Agabius, presented a petition to the aforementioned Curia, with which he intended "formally to appeal from the judgment of the Reverend Curia of Novara to that of the Sacred Rota." But the judge rejected the appeal.

[*Latin ed. p. 337*]

The Roman Rota [of the Apostolic Signatura] 337, "because it was produced outside the prescribed time and by a person lacking legitimate standing." The case was brought before the Most Holy Auditorium, and two doubts were raised: I. Does a res judicata exist in this case? And, assuming the affirmative, II. Is there a basis for restitution in integrum in this case? The Lords Fathers of Tournon deemed it necessary to respond to these doubts: To I, affirmatively; to II, negatively. Since the parish priest of Saint Agabius has brought a further appeal, today the case is presented again under the customary formula of the doubt: Whether the sentence in this case, issued on August 4th, should be confirmed or overturned concerning the matter of law.

From chapter 15, title 27, book II, it is deduced that a res judicata is the very definitive sentence, provided that it has not been appealed within the prescribed period, which period is absolutely peremptory, so that he who does not seek recourse to appeal within that time is considered to have done so by presumption of law and to have, by right, intended to comply with the sentence rendered. Therefore, a res judicata has such authority and firmness that it is to be considered as true, according to the rule of law 297: "A res judicata is accepted as true." The ten days begin either from the day the sentence was rendered, if the parties were present at the reading or recitation of the sentence, either in person or through their representatives, or, if they were not present, from the day the sentence was notified, since one who is ignorant cannot deliberate. From the day the sentence was rendered or notified, the time is continuous, that is, it runs from moment to moment, and indeed uninterrupted, including even holidays, so that, because of these holidays, the ten days cannot be extended or limited (leg. 1 Cod. De feriis).

Restitution in integrum can be obtained against a res judicata, which

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is defined as "an extraordinary remedy of law, by which, due to a serious injury arising from natural equity, the injured party is restored by the judge to the state or right in which he was before the injury." Thus, Reiffenstuel in title X LI, book I, n. 3. Therefore, the basis for restitution in integrum is a serious injury; a slight injury is not considered, otherwise no contract or act would ever endure. Restitution is granted to both adults and minors, but with this distinction: it is not granted to adults unless they have proven a just cause, in addition to the injury; for example, if the injury occurred through the deceit of the opposing party, or if the injured party was unable to avoid the injury due to a serious impediment. To minors, it is granted without cause, or rather, it is granted because of their age and imbecility of judgment, which cause always exists. Minors are equated with ecclesiastical entities, including not only churches properly so-called, but also monasteries, other religious places, capitularies, colleges of clerics, etc. Thus, Reiffenstuel, loc. cit., n. 75; Devoti, Ius canonicum in the same title, n. 5; Ferraris, ad v. Rest, in integr., Acta, vol. X, n. 8.

[*Latin ed. p. 338*]

338 Acta Apostolicae Sedis - Commentarium Officiale n. 10, and others commonly. The Church, as is evident from chapter 1 of the same title, can be restored, either against a contract, or an act, or against a judgment, or against the lapse of time, e.g., the fatal term for appeal, provided that it can legitimately prove that it has been seriously harmed in these matters. If restoration is sought against a judgment, it cannot certainly be obtained because of the harm that always befalls the losing party, but the injury must result from the injustice of the judgment, as the Sacred Roman Rota has declared in numerous decisions: e.g., in decision 672, n. 1, p. II, Recent, where it is written: "Injustice (of the judgment) is the most powerful cause of restoration, because it undoubtedly contains an injury." This injustice, however, is not required to be notorious, but, as the Doctors commonly hold, simple and ordinary injustice is sufficient; it must, however, be clearly proven, otherwise the res judicata prevails, which, as stated above, is accepted as true. And this has been the constant jurisprudence of the Sacred Roman Rota. Thus, in decision 236, n. 3, p. X, Recent, we have: "Restoration in integrum against a res judicata is not granted, unless it clearly and conclusively appears that there is an injustice from which the injury is derived." The same is stated in decision 329, n. 1, p. I I; decision 35, n. 1, p. XII, Recent, etc. Now, to the facts. The judgment appealed in response to the *Idubium* declared that the judgment of the Novara court of November 5, 1914, had passed into the authority of the *res judicata*; in response to the II *dubium*, it declared that restoration in integrum was not to be granted against the same judgment. Regarding the *res judicata*, the Fathers saw no difficulty. It is established that the judgment of Novara was rendered on November 5, 1914, and that it was rendered in the presence of the Reverend

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Cassani, President and Procurator of the Congregation; therefore, according to what has been explained above, the period for appeal, granted from November 5th to November 15th of the same month, ran continuously. However, the Reverend Bairate, parish priest of S. Agabio and member of the Congregation, did not legally appeal until November 16th: therefore, the required time had elapsed and the appeal was ineffective. On the 14th of the same month, the aforementioned parish priest wrote to the judge: "Having noted the aforementioned judgment, which harms the rights of the Congregation, as well as his own and those of his successors, he hereby makes this act of protest, because, should the present time not be deemed opportune to file an appeal, the possibility of doing so later is reserved." However, as is clearly evident, this was not an appeal, but merely a protest and a manifestation of the intention to appeal later, which intention was indeed carried out on November 16th, as stated. However, this has been said for the sake of abundance. Indeed, the judge from whom the *res judicata* was initially declared stated the judgment of Novara.

[*Latin ed. p. 339*]

In Rome, the "Rota" [a court of appeal] on December 7, 1914, rendered a judgment; subsequently, this judgment was confirmed by the "H. S. Auditorium" [a higher court] in the appeal. However, against the judgment of the "Rota," which confirms another judgment, whether it be a "Rota" judgment or that of another tribunal, no remedy is granted except for a complaint of nullity, according to canon 33 of the proper law. Regarding the restoration to the previous state against the judgment of the Curia of Novara on November 5, 1914, as we have explained above concerning the law, the Congregation of Parish Priests ought to demonstrate a serious injury, or an injustice in the judgment, which is the basis for the injury. However, the Congregation did not clearly demonstrate this, as is shown by the defenses presented by its Patron [the parish priest] to the Tribunal. In truth, the parish priest of St. Michael's presented four principal documents to demonstrate that the right belonged to him, and that it was a right, and not merely a matter of grace, to be a member of the Congregation. These are: a manuscript by Frasconi dating from around 1755; the records of the episcopal visitation by the Most Reverend Bertone Balbis, from the year 1765; a manuscript by Croce from 1839; and a report by Father Marucco from 1903. Each of these should be briefly considered. a) In the manuscript of Frasconi, which is preserved in the archive of the Cathedral of Novara, the admissions of parish priests of St. Cross are recorded, namely, the admission of a parish priest "de gratia speciali" [by special grace] in 1602; the commendation of the parish priest commonly known as "della Bicocca," who received the grace to enter the Congregation in 1731; and immediately thereafter, the commendation of Felice Portigliotti, parish priest of St. Michael's, in 1736, without any mention of grace. From this different man-

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ner of speaking, on the same subject and in the same place, an argument arises that the parish priest Portigliotti was admitted not "de gratia," but "de iure" [by right]. This is even more to be said, because the four parish priests preceding Portigliotti, namely, John Baptist Degli Agostini, Francis Maria Giallo, Julius Ferrari, and Dominic Delle Donne, are mentioned in the records of the Congregation as members, and no addition is ever found regarding grace. Nor should it be said that it was not necessary to note that the parish priests of St. Michael's were admitted to the College "de gratia," because they do not succeed to any of the founders of the Congregation in the governance of souls, which is required in order for someone to be a member "de iure"; and the parish priest Bernardinus Tornotti, who is the first among the parish priests of St. Michael's to be found as a member, was admitted "de gratia." Furthermore, it is not true that only those are members "de iure" who govern the parishes which were obtained by the founders of the College. For, above all, in Article X of the Regulations of the Society, the conditions to be observed in admitting members are stated in very vague terms: "No priest, newly received into any benefice of the aforementioned Congregation, shall be admitted, unless he first makes full faith in the benefice received through an instrument of investiture, or through possession already obtained of that benefice." Then, besides succession, which we can call the original title, other titles may be added, derivative or adventitious.

[*Latin ed. p. 340*]

340 Acta Apostolicae Sedis - Commentarium Officiale: "acquired, as it is read in the cited sentence: 'and the title for co-option 'in Congregationem' can also be succession to a portion of 'antiquarum parochiarum,' or a decree accepted by the Vicarius generalis 'a Congregatione,' or a simple deliberation of the Congregation, or the parochus 'is co-opted to succeed in a portion of the antiquarum parochiarum,' or 'for another cause.'" Regarding the second point, the priest Tornotti did not request co-option into the College, but only the faculty of proceeding processionally with the Sodalites under the Cross of the aforementioned Congregation; this faculty he obtained from the Vicarius Generalis by means of a provision and without prejudice 'to the Congregation.' b) In the year 1765, the Bishop of Novara, Bertone Balbis, canonically visited the Congregation of parochorum and, during the visitation, summoned two members of the Congregation, namely the ministrum (ministrale) of the Congregation and another sodalis deputed by the same Congregation for this purpose; these presented to the Bishop certain rights and books of administration of revenues; these writings the Bishop saw, examined, and acknowledged; and from these, the following was recorded by the notary of the visitation, as dictated by the same Bishop: "It is composed ' (Congregatio) of several R.R. parochi of urban and suburban parishes, namely 'the parochi of the churches of S. Petri,

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S. Crucis, S. Euphemiae, S. Stephani, S. Nicolai, S. Matthaei, S. Michaelis, S. Andreae, S. Agabii, S. Mariae della Bicocca...' and although the aforementioned parochi have 'the right to receive others into their brotherhood, they cannot be forced.'" Therefore, according to this document, in the year 1765, the parochus of S. Michaelis was one of the parochi who had the right to receive others into their brotherhood. This testimony is indeed very important in favor of the parochus of S. Michaelis, both because it concerns the very canonical visitation, in which the Bishop acts as not only a witness, and a qualified witness, but also as a judge regarding the state of the churches; and because the Bishop of Novara used all diligence to ensure that he only stated what was true and just, by summoning the officials of the Congregation, requesting the rights, documents, and books of the Congregation, and examining and scrutinizing everything; and finally, because the very Congregation, which undoubtedly knew the acts of this visitation, and everything contained therein, and of which it was most concerned that nothing in these acts should offend its rights, never protested against these acts, or any part thereof, and no trace of any such protestations is found in the acts. The patron of the Congregation writes the acts of the visitation, not the Sodalitate, but by the Bishop, and therefore it does not refer to the legitimate confession of a party, but only to the opinion of the Bishop. However, in order for this testimony to have probative force, it is not necessary that it refer to the confession of a party, otherwise, all other types of evidence, except for the confession of a party, would be useless.

[*Latin ed. p. 341*]

The Roman Rota numbered 341. In the case of the Bishop, as mentioned above, he drew conclusions from documents and writings that were kept in the archives of the Congregation. It is known in law that documents extracted from the archives of churches, monasteries, and similar places can serve as evidence against churches, monasteries, etc., and also in ancient affairs in favor of churches, monasteries, etc. Reiffenstuel, in the title "De fide instrumentorum," no. 124; Santi, in the same title, no. 7, c). The parish priest Croce, who had been a member since the year 1800, and in the year 1839 was the Dean of the Congregation, in a manuscript written by him in that same year, set forth the rules to be observed by the Chancellor of the Congregation whenever a new parish priest was to be received into the Congregation; this manuscript is preserved in the archives of the Congregation; therefore, it is a manual, which was certainly written by someone qualified, and which has been read and examined many times by all those concerned, especially by the members of the Congregation, the novices, and the candidates. In this book, the status of the Congregation with respect to its members is explained; several suppressions of parochial titles and the restoration of many are recorded, so that an accurate account of the number of members is given. Furthermore, among these members

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of the Congregation, the author mentions the parish priest of San Miguel. However, since in the year 1839 the parish of San Miguel was administered by regular priests, Father Croce declares that, despite this suspension of the exercise of jurisdiction, as soon as the parish is entrusted to a secular priest, this parish priest would have the right to be received as a member of the Congregation. Therefore, another important argument in favor of the parish priest of San Miguel, which is not only based on the Dean, but on the entire Congregation, is that from the year 1800 until the year 1839, there existed the firm, unwavering, and peaceful conviction that the parish priest of San Miguel had the right to be admitted into the Congregation. The Patron of the Congregation objected two things to the pamphlet of Father Croce: 1° that it does not present the profession of the Sodalitas; 2° that Father Croce was mistaken about the right of the parish priest of San Eustachio, who is also admitted only by grace, and therefore he could also have been mistaken about the right of the parish priest of San Miguel. But the first difficulty has already been addressed. As for the second, we can say, with the opinion of Novara, that if the parish priest of San Eustachio has not used the document of Croce in defending his own rights, no harm can arise to the parish priest of San Miguel. Furthermore, the force of the document of Croce in favor of the parish priest of San Miguel is not only derived from the fact that he is listed among the members by right, but also, and especially, from the words that the author specifically uses concerning the parish of San Miguel at that time, administered by regular priests, asserting that when the administration of the parish is entrusted to a secular priest, it is the right of that priest to be co-opted into the Congregation.

[*Latin ed. p. 342*]

342 Acta Apostolicae Sedis •-' Official Commentary d) At the request of the Congregation, the Reverend Marucco, a diligent and tenacious man, drew up a report in 1903 regarding the state of the Congregation, and presented it to the Ordinary of Novara, so that certain changes or additions might be introduced into the statutes. In this report, he refers to the acts of the visitation of the year 1765 and the norms written by the parish priest Croce, and he preserves as a firm record, or list, the membership of the confraternity as described by Bishop Balbis. In this list, as we have seen above, the parish priest of St. Michael is found. The report of the parish priest Marucco was deposited in the archives of the Congregation, and no objection or protest against the rights of the parish priest of St. Michael was made; therefore, from this report, a new argument arises to prove the rights of the parish priest of St. Michael. The fourteen documents presented do not constitute the act establishing the legal rights of that parish priest, but they demonstrate persuasion and observance for more than a century in favor of these rights, or, as the opinion of the Novara authorities states: "The documents of Bertone, Croce, and Marucco are not presented primar-

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ily as constitutive acts of the rights of the parish priest of the Hospital (St. Michael), but as acts proving that, at the time when they lived, there was unanimous agreement within the Congregation regarding the undisputed, peaceful, and valid right of the parish priest of the Hospital, and they attest, especially with the manuscript of Frascone, to the enjoyment of the legitimate and peaceful possession of this right, and it is a fact of quasi-possession for nearly a century, which implies the best title in the world and dispenses with the production of the title itself." The patron of the Congregation objects that, although the observance in favor of the parish priests of St. Michael is admitted, it does not necessarily follow that this is for the good of the Reverend Pellagatta, since the parish of St. Michael was suppressed by Napoleon and, although it was later restored, it cannot be said that the new parish succeeded the old one in all rights. However, this difficulty is of no importance. For it must be admitted that the parish was suppressed by the decree of Napoleon on June 22, 1805, whether lawfully or not, by the authority of the Pope or by episcopal authority alone, is of little relevance to our matter. It is also certain that the parish was restored by Cardinal Marozzo, Bishop of Novara, by decree on June 19, 1834, but in that decree, a new parish is not established, but the old one is revived and restored to its former state. Therefore, one of two things must be true: either the title by which the ancient parish of St. Michael belonged to the Congregation by right was a real title, that is, inherent to the parish itself, for example, because the larger hospital, of which the parish consisted and consists, was established in the territory of one of the parishes that constituted the Congregation; or that title was an adventitious one, that is, arising from the deliberation and concession of the Congregation. In the former case, which is the most probable, it is clear that this real title...

[*Latin ed. p. 343*]

The Roman Rota, case number 343, remains in effect, and therefore, the same right pertains to the current parish priest, as it did to the ancient one. In another case, once a concession has been granted by the Congregation for the Clergy to the parish of Saint Michael, the rights of that parish are restored, and these rights revive along with all other rights upon the restoration of the parish itself. Hence, it is fitting that the Reverend Father Croce, in his aforementioned manuscript, which he wrote in the year 1836, i.e., five years after the restoration of the parish, states that, "when the administration of the parish, which was then held by regular clergy, ceases, and a secular priest is instituted in it, this [parish] will return to its original right to request and obtain admission to [the Congregation]." From all of this, it is evident that, on the one hand, the judgment of Novara is supported by weighty and conclusive arguments in favor of the parish priest of Saint Michael; on the other hand, the patron of the Congregation has not presented anything of any weight to refute these arguments; therefore,

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the judgment cannot in any way be considered unjust or harmful; which is what is required to obtain a full restoration.

Having carefully and diligently considered all of these matters, both in law and in fact, we, the undersigned Auditors sitting for the tribunal, and with only God before our eyes, invoking the name of Christ, respond to the proposed question as follows:

To Question I: Affirmative.

To Question II: Negative.

We condemn the Congregation for the Clergy to bear all the judicial expenses of the present instance; and also to bear half of the honorarium due to the lawyer of the opposing party for this same instance.

Thus we declare, pronounce, and sentence, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains to enforce this our definitive judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3 of session 25 of the Council of Trent, using the executive and coercive means that they deem most effective and appropriate for the circumstances.

Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 7th of August, 1917.

Guilelmus Sebastiani, Dean, Presiding.

Seraphinus Many.

Ioannes Prior.

From the Chancery of the Holy Roman Rota.

Sac. T. Tani, Notary.

[*Latin ed. p. 344*]

Acta Apostolicae Sedis – Official Commentary 344

PONTIFICIAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF CANONICAL LAWS

DOUBTS RESOLVED IN PLENARY SESSIONS OF 2-3 JUNE 1918

I. Concerning the obligations of clerics. (Book II, Part I, Section I, Title III).

Whether, concerning permissions to be obtained, as mentioned in the Decree *Docente Apostolo*, 11 November 1910, recourse should be had to the Holy See, or rather to the proper Ordinary (Canon 139, § 3).

Answer: To the proper Ordinary.

II. Concerning the governance of religious institutes. (Book II, Part II, Title X, Chapter I).

Whether the prescription of the canon: "Local superiors shall not appoint superiors for a period exceeding three years, etc.," applies also to

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superiors or directors of schools, hospitals, and other pious institutions (Canon 505).

Answer: Affirmative, if these superiors or directors are also superiors of religious, having under their authority other religious, even concerning religious discipline.

III. Concerning irregularities and other impediments. (Book III, Part I, Title VI, article II).

1. Whether those who are perhaps to be called to military service are impeded, according to the meaning of Canon 987, n. 5, but in fact [have not yet been called], or because they are not of age, or because, after a properly conducted examination, they have been declared temporarily unfit (Canon 987, n. 5).

[*Latin ed. p. 345*]

Pontifical Commission for the Authentic Interpretation of the Code of Canon Law 345 And to the extent that the question is posed negatively: ; . 2. Whether the aforementioned provisions apply not only to the first tonsure and the minor Orders, but also to the major Orders, provided that, as long as this war lasts, a Decree is issued to that effect, establishing a certain right. Response: Affirmative. Regarding 2, as provided in the first section. IV. Concerning Marriage. (Book III, Part I, Title VII). . 1. If someone seeks to assert his right to enter into marriage with another, having previously contracted betrothal against the will of the party intended for marriage, will the marriage be suspended until an act is performed regarding a just cause for the dispensation from the prior betrothal and the reparation of damages, if any are due? (Canon 1017, § 3). Response: Negative, or rather, the action for a just cause for the dissolution of the betrothal is no longer admissible; however, the action for the reparation of damages does not suspend the celebration of the marriage. 2. Whether the action for the reparation of damages, mentioned in Canon 1017, § 3, pertains to the ecclesiastical forum or the civil forum. Response: The action for the reparation of damages, mentioned in Canon 1017, § 3, is of mixed jurisdiction. 3. If a bride or groom are found to be ignorant of Christian doctrine, will there be grounds for refusing them marriage, or for postponing the marriage until they are instructed? (Canon 1020, § 2). Response: The parish priest shall observe the prescription of Canon 1020, § 2; and while he performs what the Code prescribes, he should diligently instruct the betrothed who are ignorant, at least in the fundamental elements of Christian doctrine; if they refuse, there is no reason to refuse them marriage, according to Canon 1066. 4. If, after reaching the age of puberty, a party, after having been engaged for six months in distant and remote places, requires a longer time to obtain regular proof of the freedom of their state, and yet the celebration of the marriage is urgent, is it sufficient in such a case to ascertain the freedom of their state with an oath of the party, accompanied by the testimony of two,

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or, if two cannot be obtained, at least one, who have resided with them in those regions? (Canon 1023, § 2). Response: The matter is to be referred to the prudent judgment of the Ordinary, who may prescribe other proofs, not excluding a supplementary oath, according to Canon 1023, § 2.

[*Latin ed. p. 346*]

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5. Quid si copula ilícita et occulta praecesserit nativitatem nubendi, de qua dubitari possit an sit filia vel soror alterius partis? (Cann. 97, § 1, 1077, etc.).

Responsum: Praevidetur per can. 1076, § 3.

6. Vis novi Codicis estne retroactiva in his, quae modificantur circa sponsalia et impedimenta, tum impedientia quam dirimentia matrimonium, ita ut quodlibet ius acquisitum vigore sponsalium validorum, nullimode possit reclamari, nisi in quantumnovus Codex concedit, et contracta impedimenta modificata a novo Codice, nulla dispensatione, indigeant? (Cann. 4, 10).

Responsum: Codici, etiam quoad sponsalia et impedimenta, non esse vim retroactivam: sponsalia autem et matrimonia regi iure vigenti quando contracta sunt vel contrahantur, salvo tamen, quoad actionem ex sponsalibus, canone 1017, § 3.

7. Quid dicendum de matrimoniis, si quae nulla sint ex capite impedimentorum ab novo Codice abrogatorum: fiuntne matrimonia illa valida ipsa promulgatione novi Codicis, vel etiam post dictam promulgationem indigeant dispensatione, sanatione, etc.? (Cann. 4, 10).

Responsum: Negative ad primam partem, affirmative ad secundam.

8. Utrum cognatio spiritualis ante diem Pentecostes anni 1918 contracta ultra terminos nunc a novo Codice definitos in can. 768, a praefata Pentecostes die ipso facto cesset quoad omnes effectus, an tantum desinat esse impedimentum ad matrimonium (Cann. 768, 1079).

Responsum: Negative ad primam partem; affirmative ad secundam.

V. De custodia et cultu Sanctissimae Eucharistiae. (Lib. III, Pars III, Tit. XV)

1. Canon 1267, qui statuitur in religiosa vel pia domo SS. Eucharistiam custodiri non posse nisi vel in ecclesia vel in principali oratorio, intelligendûsne est ita, ut prohibeatur eam custodiri praeterquam in publica ecclesia pro commoditate fidelium, etiam in principali oratorio, in quod sodales conveniunt ad exercitia pietatis communia? (Can. 1267). Et quatenus negative ad primum.

2. An idem dicendum sit, si quando ecclesia clausa ordinarie maneat et

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fidelibus non pateat?

[*Latin ed. p. 347*]

Pontifical Commission for the Authentic Interpretation of the Code of Canon Law 347 3. Whether the same should be said concerning several chapels within the same pious house, designated for different groups of members (two, three, etc., for example, for novices, lay brothers, students, priests), so that each group may have its own distinct chapel with the Blessed Sacrament; or rather, whether this should be restricted to the church and chapel intended for the entire community. Response: The meaning of canon 1267 is as follows. If a religious or pious house has an attached public church and uses it for ordinary and daily exercises of piety, the Blessed Sacrament may only be reserved therein; otherwise, in the main chapel of the same religious or pious house (without prejudice to the rights of the church, if any); and only therein, unless the families are distinct and separate within the same building, so that they are formally distinct religious or pious houses. VI. Concerning offenses against the obligations proper to the clerical or religious state. (Book IV, Title XVII). Whether the canons 2386, 2387, 2389, 2410, 2411, 2413 apply to clerical societies without vows. Response: Affirmative regarding canons 2386, 2387, 2389, to the extent that the members share a common life; regarding canon 2410, to the extent that the society enjoys the privilege of granting dispensations to its subjects in the Orders; regarding the first part of canon 2411, saving the provisions regarding the rest; and regarding canon 2413.

Peter Cardinal Gasparri, President.

Aloysius Sincero, Secretary.

[*Latin ed. p. 348*]

348 Acta Apostolicae Sedis - Official Commentary of the DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. Tuesday, June 25, 1918, in the Apostolic Palace at the Vatican, the Ordinary Congregation of Sacred Rites was held, in which, for the judgment of the Most Eminent and Reverend Lords Cardinals comprising the same, the following matters were presented: 1) The introduction of the cause for beatification and canonization of the Servant of God, James Desiderato Lavai, Priest and Missionary of the Congregation of the Holy Spirit; 2) The confirmation of the worship, immemorially practiced, towards the Servants of God, Augustine Cennini, Bartholomew Donati, John Petrucci, Lawrence Nerucci, and sixty other religious of the Order of the Servants of Mary, who were killed, as it is asserted, out of hatred for the Faith; 3) Concerning the revision of the writings of the Servant of God, Davanzato, of the Third Order of St. Francis; 4) And of the writings of the Servant of God, Mary of Jesus, a professed religious of the Order of Discalced Carmelites; 5) And of the writings of the Servant of God, Mary Eustella Harpain, Virgin. Tuesday, July 2, 1918, at the

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Most Eminent and Reverend Lord Cardinal Anthony Vico, Promoter of the cause for beatification and canonization of the Venerable Servant of God, Brother Benilde, of the Congregation of Christian Schools, the Preparatory Congregation of Sacred Rites was held, in which the Reverend Prelates and Theological Consultants discussed the doubt concerning the heroism of the virtues exercised by the aforementioned Venerable Servant of God. Tuesday, July 23, 1918, in the Apostolic Palace at the Vatican, the Ordinary Congregation of Sacred Rites was held, in which, for the judgment of the Most Eminent and Reverend Lords Cardinals comprising the same, the following matters were presented: 1) The introduction of the cause for beatification and canonization of the Servant of God, Felix De Andreis, Priest and first Superior of the Congregation of the Mission, in America; 2) Concerning the revision of the writings of the Blessed Joachim Piccolomini, a member of the Order of the Servants of Mary; 3) And of the writings of the Servant of God, Leonardo Murialdo, Founder of the Pious Society of St. Joseph.

[*Latin ed. p. 349*]

From the Roman Diary, No. 349.

SECRETARY OF STATE.

By order of the Secretary of State, the Holy Father has deigned to appoint:

July 8, 1918. The Most Reverend Cardinal Anthony Vico, Prefect of the Sacred Congregation of Rites.

July 9. The Most Reverend Cardinal Aidan Gasquet, Protector of the Sisters of the Institute of the "Holy Child Jesus," of Mayfield (England).

July 13. Monsignor Achilles Locatelli, titular Archbishop of Salonichi, currently Apostolic Nuncio in Belgium, Apostolic Nuncio to the Republic of Portugal.

By Apostolic Briefs, the Holy Father has deigned to appoint:

Assistant at the Papal Throne:

July 1, 1918. Monsignor Ferdinand de Senior, Bishop of Erbipoli.

Apostolic Protonotary, as if participating:

July 4, 1918. Monsignor Nicola Fanelli, of the diocese of Teggiano.

Domestic Prelates of His Holiness:

July 5, 10, 17, 1918. Monsignor Timoteo J. Sullivan, of the archdiocese of Toronto.

Monsignor Giacomo Pompen, of the diocese of Bois-le-Duc.

Monsignor Francesco Galli, of the archdiocese of Cosenza.

HONORS.

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By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class, Commander:

June 26, 1918. To Mr. Paul Lepercq-Destailleurs, of the diocese of Arras.

July 3. To Mr. Professor Peter De Sanctis, of Rome.

July 9. To Mr. Timoteo Foley, of the archdiocese of Saint Paul of Minnesota.

[*Latin ed. p. 350*]

Acts of the Apostolic See - Official Commentary 350, July 9, 1918.

To Mr. Carlo Enrico Francesco Smith, of the same archdiocese.

To Mr. Lorenzo Stédman Donaldson, of the same archdiocese.

To Mr. Maurizio Me Donald, of the same archdiocese.

The Knighthood of the Order of St. Gregory the Great, civil class: July 4, 1918.

To Mr. Giorgio Carlo de Grandmaison, of the diocese of Angers.

To Mr. Agostino ten Hompel, of the diocese of Münster.

To Mr. Antonio Roncoroni, engineer, of the archdiocese of Milan.

To Mr. Giuseppe Rojas Moreno, Count de Casa Rojas, attached to the Embassy of Spain at the Holy See.

The Commanderate of the Order of St. Sylvester: June 20, 1918.

To Mr. Domenico Del Campana, of the diocese of Fiesole.

To Mr. Emilio Macció, lawyer, of the same diocese.

To Mr. Francesco Della Monica, of the diocese of Cava e Sarno.

The Knighthood of the Order of St. Sylvester: March 1, July 26, 1918.

To Mr. Ruggero Barbini, of Rome.

To Mr. Alessandro Piazza, professor.

To Mr. Giovanni Battista Torriglia, of the archdiocese of Genoa.

THE DOMESTIC OFFICE OF HIS HOLINESS.

With letters from His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness: April 30, 1918.

Monsignor Giuseppe Rychlak, of the diocese of Cracow.

Monsignor Lamberto Schmidbauer, of the diocese of Linz.

Monsignor Matteo Brandtner, of the same diocese.

[*Latin ed. p. 351*]

Diarium Romanae Guriae 7 12 10 17 » 20 351 June 1918. Monsignor Ludovico Keuller, of the diocese of Ruremonda. » » Monsignor Costantino

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Monico, of the diocese of Lodi. July - » Monsignor Egidio Lari, of Rome. » » Monsignor Luigi Mansi, of the archdiocese of Amalfi. » » Monsignor Roberto Patten, of the archdiocese of Birmingham. » » Monsignor Francesco Morano, of Rome. Secret Chamberlains, extraordinary, of the Holy See: December 31, 1917. There, the Reverend Doctor Federico Geier, of the diocese of Bressanone. June 1918. The Reverend Salvatore Pennisi Lelia, of the diocese of Acireale. 22 » » The Reverend Baron Massimiliano de Fuerstenberg, of the archdiocese of Colonia. Honorary Chamberlains in purple of the Holy See: 23 11 22 » 28 2 3 April 16, 1918. Monsignor Venceslao Feierfeil, of the diocese of Leitmeritz. » » Monsignor Carlo Viszolajszy, of the archdiocese of Strigonia. June » Monsignor Emilio Strenski, of the diocese of Brooklyn (United States of America). » » Monsignor Salvatore Velia, of the diocese of Noto. » » Monsignor Antonio Morselli, of the archdiocese of Modena. » » Monsignor Porfirio A. Ruiz, of the archdiocese of Puebla Los Angeles. July » Monsignor Americo Gnidi, of Rome. » » Monsignor Vittorio Bonardi, of the archdiocese of Turin. » » Monsignor Vincenzo Sacristán de Mingo, of the diocese of Sigtìenza. Cleric Secret of the Holy See: July 18, 1918. Monsignor Enrico Remiddi, of Rome.

[*Latin ed. p. 352*]

352 Acta Apostolicae Sedis - Official Commentary

NECROLOGY

May 26, 1918. Mons. Francesco Albino Symon, titular Archbishop of Attala.

July 4. His Eminence Cardinal Sebastian Martinelli, Prefect of the Holy Congregation of Rites.

July 8. Mons. Baldassarre Kaltner, Archbishop of Salzburg.

July 11. Mons. Agostino Vittorio Vie, Bishop of the Principality of Monaco.

July 12. Mons. Giulio Maurizio Abbet, Bishop of Sion (Switzerland).

July 16. Mons. Giuseppe Capecci, Bishop of Alessandria.

July 21. Mons. Tommaso Cusack, Bishop of Albany.

Mons. Francesco Leone Gauthey, Archbishop of Besançon.

Reverend Father Giuseppe Forestier, of the Society of Mary, Apostolic Prefect of the Northern Solomon Islands.

Reverend Father Fedele of Rome, of the Minor Capuchins, Apostolic Prefect of the Rezia.

[*Latin ed. p. 353*]

Year X - Vol. X, 2nd September 1918, No. 9.

ACTA APOSOLICAE SEDIS, OFFICIAL COMMENTARY.

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ACTS OF POPE BENEDICT XV.

FROM THE APOSTOLIC VATICAN.

LETTERS CONCERNING THE ERECTION OF THE CATHEDRAL CHURCH OF ATERRADENSIS.

BENEDICT, SERVANT OF THE SERVANTS OF GOD, TO THE ROMANS.

Nothing has ever been more dear to the Roman Pontiffs than to provide for the spiritual needs of the faithful, especially in cases requiring assistance; and therefore, if certain dioceses have arisen, in which their Bishops, due to the excessive size of their flocks, are unable to adequately attend to and guide them, We have not failed to provide assistance to them by multiplying the number of pastors.

Therefore, when our venerable brother, the present Archbishop of Mariannensis, humbly requested that, for the good and benefit of his faithful, a new diocese be erected through the division of his archdiocese, which, although divided three years ago, still extends very widely, and to which his prayers have added weight, and the venerable brother, the Apostolic Nuncio in the Brazilian Republic, has also added his support, We have considered the offered prayers to be worthy of acceptance.

Wherefore, after consultation with our beloved sons, the Cardinals, Prefects and Assistants of the Sacred Congregation Consistorial of the Holy Roman Church, to the extent that their presence or their presumed consent may be necessary, and exercising the fullness of the power and authority of the Apostolic See, reserved to the Roman Pontiff and the Holy See, the following is decreed:

ACTA, vol. X, no. 9. – 2-9-1918.

[*Latin ed. p. 354*]

354 Acta Apostolicae Sedis - Official Commentary on the Apostolic Letters, the beginning of which is "Ad universas Orbis Ecclesias" dated the twenty-seventh day of the month of April in the year of Our Lord one thousand eight hundred and ninety-second, freely establishes a new ecclesiastical circumscription in Brazil, and whenever it shall have seemed expedient, divides the territory of the archdiocese of Mariana in two parts; in the eastern part, we confine the archdiocese of Mariana itself; and in the western part, where the town of Aterrado is located, we perpetually erect a new diocese, to be called the Diocese of Aterrado, and declare it erected in the following manner.

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First, the parishes that are bounded by the eastern limits of the parishes commonly called Formiga, Porto Real, Dores de Judaya, and Abaede, together with the remainder of the territory that extends towards the west and which hitherto belonged to the archdiocese of Mariana, shall be assigned to the new Diocese of Aterrado, to which shall also be added two parishes, namely, those of St. Jerome and St. Francis, detached from the Diocese of Uberaba, with the consent of the Ordinary; so that the new diocese shall consist of the following parishes: Aterrado, Arcos, Abaede, Dores do Judaya, Formiga, Piumehy, Pimenta, Perobas, St. Iodo da Gloria, St. Roque, Bambuhy, St. Gothard, Tiros, Morada nova, Porto Real, Arcado, St. Jerome, and St. Francis.

Furthermore, we establish the seat and the episcopal cathedral of the newly erected diocese in the town of Aterrado, and therefore we raise that town to the rank of a city with ecclesiastical honors, with the rights and privileges that other cities with ecclesiastical honors rightfully enjoy; and we raise the parish church existing there, which is called the Church of the Blessed Virgin Mary by St. Luke, to the status and dignity of a cathedral, preserving the pastoral care therein as before; and we grant to that church and to its temporary occupants the privileges and rights with which other cathedrals and their prelates are endowed.

We also make the same new Diocese of Aterrado a suffragan diocese of the metropolitan Church of Mariana, and we subject its temporary bishop to the aforementioned metropolitan Archbishop of Mariana, reserving to Ourselves and to the Holy Apostolic See the free faculty of making a new division of the newly erected diocese whenever it shall seem opportune.

As for the governance and administration of the Diocese of Aterrado, the powers, offices, and rights of the temporary administrator, the institution of a cathedral chapter or at least a college of advisors, the governance and administration of the diocesan seminary, the election of a capitular vicar or administrator in the event of a vacancy, the rights and duties of the clergy and the Christian faithful, the preservation of documents, and all other matters pertaining thereto...

[*Latin ed. p. 355*]

The acts of Pope Benedict XV, page 355, state that we command that those things which must be religiously observed be maintained, as the sacred canons and, in particular, the new Code of Canon Law prescribe for this matter. Furthermore, so that the bishops of the newly erected diocese of Aterradensis may safeguard the dignity of their office and provide for the needs of their diocese, we decree that an endowment and fund be established for the new episcopal see, drawn from the funds already collected, from the revenues of the curia, and from other offerings or subsidies which we are confident the faithful will generously provide. Since there is in the city a Pontifical Latin College for America, where clerics are almost

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under the eyes of the Roman Pontiff and are instructed in sacred disciplines, we command that the bishops of Aterradensis also send, as soon as it is possible, at least two young men, chosen in turn, to be supported at their expense, so that they may acquire knowledge of religion in the very center of truth and then communicate it usefully to their fellow citizens. In order that provision may be made more stably for the support of these clerics and for the endowment of the same college, we earnestly desire that, under the care of the bishop of Aterradensis for the time being, as soon as possible, so many goods as are necessary be contributed, so that from their revenues the aforementioned two young men, or at least one, may be supported, and that these revenues, as soon as they are received, be permanently assigned to the Pontifical Latin College for America. But these things which have been decreed by Us with Apostolic authority, it is forbidden to any person, at any time, to infringe, or to oppose, or in any way to contradict. If anyone, may God prevent it, should presume to attempt this, let him know that he will incur the penalties prescribed by the sacred canons against those who resist the exercise of ecclesiastical jurisdiction. For all of these matters, we depute the venerable brother Hyacinth Angelus Scapardini, the titular archbishop of Damascus and Apostolic Nuncio in the Brazilian Republic, and we grant him the necessary and appropriate powers, including the power to delegate another man in ecclesiastical dignity, especially the Archbishop of Marianna, to carry out the aforementioned purpose, and also definitively to decide on any difficulty or opposition that may arise in the execution of this, with the obligation to send to the Sacred Congregation Consistorial within six months an authentic copy of the completed execution, to be kept in the archives of the same Sacred Congregation. Finally, we decree that these present letters shall be valid, notwithstanding any contrary provisions, even those worthy of special and express mention.

[*Latin ed. p. 356*]

Acta Apostolicae Sedis - Official Commentary 356. Given in Rome, at St. Peter's, in the year of Our Lord nineteen hundred and eighteen, on the eighth day of the month of July, in the fourth year of Our Pontificate. O. CARD. CAGIANO C. S. B. E. Chancellor. CARD. DE LA! S. C. Consistorial Secretary. Raphael Virili, Apostolic Prothonotary. Ludo vicus Schuller, Apostolic Prothonotary. Place: at the Vatican. Registered in the Apostolic Register, Volume XVI, No. 21. APOSTOLIC LETTERS. TO THE SODALITY OF ST. PEREGRINE LAZIO, ERECTED IN THE CURIAL CHURCH OF ST. CHARLES IN TORINO, GRANTING INDULGENCES. BENEDICT XV. For the perpetual memory of the matter. — "To Our beloved son, the present Provincial of the Order of the Servants of the B. V. M., and the parish priest of the church of St. Charles in the city of Torino, humble petitions have been presented to Us, that We might deign to enrich with the heavenly treasures of the Church, a pious association, which is commonly

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called the "Compagnia di S. Pellegrino Laziosi," and which has been canonically established in the same church. We, wishing to give favorable heed to such pious requests, and having also heard Our beloved son, the Most Reverend Cardinal Penitentiary Major, by Our apostolic authority, grant to all and each of the Christian faithful who shall hereafter join said association, on the first day of their entrance, if, truly contrite and having confessed, they shall receive the Most Holy Sacrament of the Eucharist, a plenary indulgence; and also, to those members of said association, who, truly contrite and having confessed, and having received Holy Communion, shall visit the aforementioned church, and there offer devout prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, on the first Wednesday of each month, which is the day on which particular and pious exercises are held in honor of St. Peregrine, provided that they have attended the sacred functions on all the Wednesdays of the preceding month, which have been approved by the Ordinary; and secondly, once a year, on the day that may please the members, provided that at least twelve Wednesdays, of the aforementioned pious exercises, are observed."

[*Latin ed. p. 357*]

The acts of Pope Benedict XV, number 357, state: The third [indulgence] is granted on the last day of the novena of prayers, preceding the feast of the same Saint Peregrine, provided that the same person has attended daily during that novena; the fourth, finally, when prayers are offered for the deceased members, a plenary [indulgence] is granted, on that day, provided that all have fulfilled the assigned works, and we mercifully grant and bestow upon all the remission of their sins in the Lord. Furthermore, to those same members, who, at least with a contrite heart, have attended the morning function in honor of Saint Peregrine on any third day of the week, or who have celebrated the aforementioned novena on any day, we grant seven years and seven quarantines [of indulgence]; finally, to those members who have performed any work of piety or charity, according to the prescriptions of this pious association, we remit one hundred days of the penances prescribed to them, or any other debts, according to the usual form of the Church. We grant that all these and each of these indulgences, remissions of sins, and relaxations of penances, may also be applied for the souls of the faithful detained in Purgatory, as a form of suffrage. This applies to all, notwithstanding any opposition. These present decrees are valid perpetually. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the 26th of June, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

LETTER I TO THE REVEREND FATHER MICHAEL O'DOHERTY, ARCHBISHOP OF MANILA, AND OTHER BISHOPS OF THE PHILIPPINE ISLANDS, WHO PRESENTED A COMMON LETTER FROM

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THE CONVETION OF MANILA. Venerable brothers, greetings and the apostolic blessing.

Your pastoral solicitude, by which you strive for the glory of God and the salvation of souls, has been made manifest to Us in a new and outstanding way, both by the recently held convention of Manila, and by the common letter which you have sent from here to your clergy and people. Considering the state of affairs in your dioceses, nothing seemed more urgent to you than those proposals which appeared most necessary for defending and promoting religion. Certainly, what you write, that a great many things are lacking among your sacred ministers, is a serious matter; it would cause Us even greater concern, were we not certain that the Lord Jesus will never abandon the Church.

[*Latin ed. p. 358*]

Acta Apostolicae Sedis - Official Commentary 358. And since it is incumbent upon him to call those who are to share in his priesthood, there is no doubt that he will be eager to stir them up at the opportune time and place. Therefore, we earnestly beseech the Lord of the harvest to send laborers into his harvest, that you may not neglect those who are most deserving, as you do, considering that goodness in this regard is to be valued more than abundance; especially since God can bestow the fruits of his grace upon the efforts of a few as much as upon those of many. Regarding the uniting of Catholic forces, indeed, we approve of your efforts; for since the conspiracy of the adversaries is so great that they seek to deprive the Christian people of the gift of faith, which is the most excellent of all, it is necessary that the agreement of good men, under the leadership of bishops, be no less, so that it may preserve that gift whole and inviolate. For the same reason, it is certainly of great importance that all means and supports be employed to foster piety and discipline of morals; and since the Code of Canon Law, which has recently been published, pertains to this, we commend to you the care you have taken to ensure that its prescriptions are observed with religious devotion. Finally, embracing your endeavors with paternal charity, we ask God that He may add His help to those things which you have decided upon in common, and that He may make them effective. We bestow upon you, venerable brothers, and upon your entire clergy and people, the apostolic blessing, most lovingly in the Lord, as a pledge of heavenly favors and of Our special benevolence. Given at Rome, near St. Peter, on the eighth day of the month of July, in the year 1918, in the fourth year of Our pontificate. BENEDICT XV.

TO HIS MAJESTY RAJAH RAMA VÜRMAH, TO WHOM WE OFFER CONGRATULATIONS ON THE SIXTIETH ANNIVERSARY OF HIS BIRTH.

Most Serene King, greetings and prosperity.

It has been pleasing to Us to learn that you will celebrate the sixtieth an-

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niversary of your birth next October; and indeed, We cannot but sincerely congratulate Your Celsitude. We greatly appreciate and admire the justice and singular benevolence with which you treat the Catholics within Your dominion; and for that reason, We gladly seize the opportunity to express Our most favorable sentiments towards you. Indeed, in matters of public good and joyful celebrations, the Catholics among Your subjects will not be the least; for by the very institution of the Christian religion, they are bound to obey and to submit to legitimate authority, yielding to no one. We commend them to Your benevolence.

[*Latin ed. p. 359*]

The Acts of Pope Benedict XV, page 359, state that we desire to grant [certain things] with great eagerness; and if you will continue to protect them with clemency and powerful patronage, you will not only attain new praise for humanity, but you will also forever bind to you, as grateful citizens, those who receive this benefit. In the meantime, we pray that all things may go most happily for you, above all, that you may ask God to preserve your Most Serene Person unharmed for a long time, and that whatever you undertake in the future may be blessed in every way for the benefit and glory of your kingdom. Given in Rome, at St. Peter's, on the tenth day of the month of July, in the fourth year of Our Pontificate. BENEDICT XV.

TO THE REVEREND FATHER NATAL GABRIEL MORIONDO, BISHOP OF CUNEENSE, CELEBRATING THE FIFTIETH ANNIVERSARY OF HIS BIRTH AND THE TWENTIETH FROM THE BEGINNING OF HIS PRIESTHOOD. Venerable brother, greetings and the apostolic blessing.

We have learned that the anniversary of the day on which you offered the first fruits of your priesthood to God twenty-five years ago is approaching next month. It could not be otherwise, that amidst the public expressions of joy, the sadness of the times should be dispelled, and that the clergy and your people should wish to demonstrate their devoted and dedicated will to you, by praying together, solemnly and publicly, for God's sake. We gladly join in this supplication, recognizing the great care you have shown in your pastoral ministry, and the obedience you have rendered to Our own desires. We are confident that this Church, under your guidance, will daily make greater progress in all the virtues of Christianity. Therefore, we pray to God for all good things for you.

As a demonstration of the charity we feel towards you, we grant that on that day, after performing the sacred rites, you may impart the plenary papal blessing and indulgence, under the usual conditions, for the first time to those present. And as a witness to the divine favor and Our particular benevolence, we bestow upon you, venerable brother, and your clergy and people, Our most loving apostolic blessing in the Lord.

Given in Rome, at St. Peter's, on the nineteenth day of the month of July,

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in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 360*]

360 Acta Apostolicae Sedis - Official Commentary IV TO THE REVEREND FATHER JAMES COSTAMAGNA, BISHOP TITULAR OF COLONIA, APOSTOLIC VICAR OF MÉNDEZ AG GUALAQUIZA, TO WHOM, ON THE OCCASION OF THE ANNIVERSARY OF HIS ORDINATION, WE OFFER GREETINGS AND PRAYERS. Venerable brother, greetings and the apostolic blessing. — Since you are soon to complete ten years since you began the sacred ministry, We are pleased to declare to you the special favor with which We honor you for your merits. We know how much labor, talent, and diligence you have devoted to the Salesian Society, which you embraced when it was scarcely flourishing, over these many years: especially so that it might promote itself throughout South America, to the great benefit of both religion and civil life. Indeed, through your influence or encouragement, new buildings have been erected from the ground up for the education of youth, and apostolic endeavors have been awakened, and in many places the name of Christ has been spread to the indigenous peoples. Despite these many occupations, you have nevertheless diligently prepared and published numerous and fruitful writings to foster piety and the discipline of morals in every way. Gratitude, therefore, is due to God for having so abundantly favored your virtues; from Him We pray that He may grant you many years and the fruits of your labors. And so that this auspicious day may be made more fruitful, We freely grant you the full papal blessing and indulgence, under the usual conditions, to be imparted by you, once, to the people, whenever you wish. And as a pledge of the divine graces and of Our most profound charity, We impart to you, venerable brother, and to all those under your care, the apostolic blessing in the Lord. Given at Rome, near St. Peter, on the thirty-first day of the month of July, in the fourth year of Our Pontificate. MCMXVIII, BENEDICT XV. TO THE REVEREND FATHER VICTOR ARRIEN, ARCHBISHOP OF QUARTEN, AND TO THE OTHER BISHOPS OF BOLIVIA, TO WHOM THIS COMMON LETTER IS ADDRESSED. Venerable brothers, greetings and the apostolic blessing. — We are indeed deeply moved by the letters which you wrote to Us at your annual meeting. For, with pleasure, we acknowledge your faith and obedience.

[*Latin ed. p. 361*]

We have received the report from Benedict XV, and we are deeply aware of the difficulties which you have rightly pointed out: in the first place, the scarcity of priests who perform the sacred ministry throughout these vast dioceses. You have, indeed, adopted salutary measures in this regard in that assembly. It is certainly essential to form and establish a suitable clergy

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in the churches; however, care must be taken that those who are admitted to the priesthood, even out of necessity, are not less worthy; "Neither doth any man take the honour to himself, but he that is upon called by God, as Aaron was." Therefore, we must consider not how many, but which, sacred ministers we should admit; and, having considered all that experience suggests to foster the study of the priesthood in youth, we commend the matter diligently to God, in whose hands it is. Surely, "Who will have all men to be saved and to come to the knowledge of the truth" will never deny the opportune assistance for this salvation; rather, he desires that, through his ministers among all nations, the benefits of divine redemption be perpetuated. Regarding the Code of Canon Law recently promulgated, there is no doubt that, with your cooperation, it will also bear fruit that corresponds to our expectations, in promoting the discipline of Christian life. Furthermore, you are well aware, venerable brothers, that we have a particular concern for the affairs of the religious orders in Bolivia, as evidenced by the fact that we have sent a special legate who represents us among you and who, by our authority, assists you in all matters. Continue, therefore, united with our legate, as you are doing, to labor for the glory of God and the salvation of souls, considering that God will supply with his grace those things that are lacking in our industry and skill. As a witness of our favor and benevolence, we impart to you, venerable brothers, and to your clergy and people, our most loving apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the fourth day of August, in the year 1918, in the fourth year of our pontificate. BENEDICT XV.

To Catherine Schyns, General President of the "Catholic Women's Association for Mission Aid," on the occasion of her approaching twenty-fifth anniversary from the founding of that pious work.

Beloved daughter, greetings and our apostolic blessing.

We have recently learned through official letters that you are about to complete your twenty-fifth year with that society, which you have so piously founded.

[*Latin ed. p. 362*]

362 Acta Apostolicae Sedis - The official commentary was, indeed, pleasing. For what could be more excellent, or more opportune at this time, than that you, as you intend, should foster the august worship of the Sacrament on your part, and at the same time, provide for the needs of those buildings in which the necessary furnishings for the altar are lacking? In this, it is permissible to measure, throughout this time, the great industry and labor, both from the large number of members, and from the abundant fruits of religion and piety. Therefore, rightly, Our predecessors, Leo XIII and Pius X, not only adorned this work with praise, but also with privileges, especially through the memorable Apostolic Letters dated May 24, 1910; and We ourselves confirm all these privileges through these Letters; all the

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more willingly, because your merits for the Church, which indeed increase from day to day, as you have become accustomed to diligently striving to obey and observe, amidst various difficulties. Therefore, there is nothing that you should allow to discourage you; for He will certainly grant you the strength to overcome those things to which you are equal, and that strength will be all the more pleasing to God, the more difficult the task. Furthermore, we are confident that this association, which, under your leadership, has so far deservedly earned merit for religion, and has fully satisfied this Apostolic See, will also, under its own guidance, progress happily in the future; and that all bishops, together with the clergy, will wish to support and protect it, considering that, just as in the Church of Christ, so also in your work, there is a certain mark of catholicity, especially through the worship of the Divine Eucharist, which you strive to promote with the utmost zeal. And may the apostolic blessing of our paternal charity, which we lovingly bestow upon you, beloved daughter, and upon all those who assist in your work, be a witness to the heavenly gifts. Given in Rome, at St. Peter's, on the 7th day of August, 1918, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 363*]

363. The Sacred Congregation Consistorialis. ACTA of the Sacred Congregations. SACKA SACRED CONGREGATION CONSISTORIALIS I. DECREE concerning the extension of certain faculties of Ordinaries during wartime. By Decree of April 25th of this year, it was established that certain faculties, which the Holy See customarily granted to Ordinaries through general indults, would cease to exist on the day that the Code of Canon Law would begin to have force; simultaneously, concerning matrimonial dispensations, beyond those granted by the Code, the Most Holy Pope Benedict XV granted the following: a) that the Ordinaries of the places in America, in the Philippine Islands, in the Orient, in Africa outside the shores of the Mediterranean Sea, and in Russia, for a period of five years, while observing the canonical rules, may grant dispensations from lesser impediments, and that marriages contracted on account of these same impediments may be validly contracted; b) that the same Ordinaries may also, for a period of five years, grant dispensations even from greater impediments, except for two only of ecclesiastical law, and from the impediment concerning mixed marriages, and that marriages contracted on account of greater impediments may be validly contracted; however, this faculty is limited by the condition that if a petition for a dispensation is sent to the Holy See and an urgent necessity for granting the dispensation arises, the recourse pending; c) finally, that the Ordinaries of France, of the united kingdom of Great Britain and Ireland, of Germany, of Austria-Hungary, and of Poland, during the war, whenever access to the Holy See is difficult or impossible for at least one month, may use the same faculties that were

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granted to other Ordinaries as mentioned in letters a) and b).

[*Latin ed. p. 364*]

Acts of the Apostolic See - Official Commentary 364. It has been observed by several Ordinaries of America that, due to a lack of security at sea, and owing to the present war, they find themselves in a condition, or even a worse one, than those Ordinaries listed under letter c); and therefore, they have offered humble prayers that they might be granted the same indulgence. Indeed, in the present state of affairs, more than the usual number of requests are being sent to the Holy See from America. Furthermore, the Most Holy Lord, considering these requests to be just, deemed it fitting to grant them; and therefore, by the present decree of the Sacred Congregation Consistorial, for the time of the present war, it is granted that Ordinaries of more remote places, as mentioned under letter a), may be dispensed from greater impediments and from the impediment of mixed religion, and that marriages which have been nullified by reason of the impediment mentioned above may be validated, without being subject to the condition and restriction set forth under letter b), that is to say, if a petition for dispensation has been sent to the Holy See and an urgent necessity for dispensation arises, during the pendency of the appeal. However, each Ordinary, at the end of each year, as long as this condition of affairs persists, must render an account to the Sacred Congregation of Sacraments regarding the number and nature of the dispensations which they have granted, and on that occasion, must satisfy the rights of the same Sacred Congregation concerning the payment of taxes. These present regulations, with the attached documents, remain in force, and are not subject to any contrary provisions. Given at Rome, from the Sacred Congregation Consistorial, on the 2nd day of August, 1918. †g C. CARD. D B LAI, Archbishop of Sabina, Secretary. L. S. S. V. Sardi, Archbishop of Caesarea, Assistant. II. ERECTION OF A CANONICAL DEANERY IN DIVION, AND THE COLLATION OF THE SAME IN FAVOR OF THE REVEREND DOCTOR JOSEPH GEOFFROY, GENERAL VICAR OF THE DIOCESE. DECREE. Whereas the Ordinary of Divion, with the consent of the Cathedral Chapter, has earnestly requested that a dignity be established within the same Chapter, under the title of Deanery, in accordance with canons 393 and 394, and that the Reverend Doctor Joseph Geoffroy, General Vicar of the Diocese, be appointed to it.

[*Latin ed. p. 365*]

365 The Reverend Father Geoffroy, the General Vicar, shall be presented to the Sacred Congregation Consistorial. His Holiness Pope Benedict XV, most graciously acceding to the wishes of the Reverend Orator, as well as the Cathedral Chapter, which were reported by the undersigned Cardinal, Secretary of this Sacred Congregation, has deigned to grant both favors; nevertheless, with a reservation regarding the granting of the first

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dignity, pending the course of justice: notwithstanding any objections to the contrary. Given at Rome, from the offices of the Sacred Congregation Consistorial, on the 2nd day of August, 1918.

C. CARD. DE LAI, Bishop of Sabina, Secretary.

I, & S. Ioannes Bapt. Rosa, Substitute.

III. A DOUBT CONCERNING THE LAWS AND DECREES OF THE PROVINCIAL SYNODS OF WESTMINSTER.

It was inquired whether the ecclesiastical province of Westminster, which has been divided in recent years, and the four new provinces created from it, the laws and decrees of the provincial synods of Westminster, which preceded these divisions, and which were held in the years 1852, 1855, 1859, and 1873, still have the force of law and must be observed by all in every respect; or whether, rather, they have ceased to be valid in the new provinces, and are no longer to be considered binding and firm.

After mature examination, His Holiness Pope Benedict XV ordered that the following be responded: Affirmative, with regard to the first part, provided that the prescriptions of the new Code are observed, if and insofar as they derogate from the laws and decrees of said synods; negative, with regard to the second part.

And it was ordered that this resolution be made public, by inserting it in the Acts of the Apostolic See.

Given at Rome, from the Secretariat of the Sacred Congregation Consistorial, on the 2nd day of August, 1918.

C. CARD. DE LAI, Bishop of Sabina, Secretary.

L. & S. f V. Sardi, Archbishop of Caesarea, Attendant.

[*Latin ed. p. 366*]

366 Acta Apostolicae Sedis - Official Commentary IV. DECREE CONCERNING THE POSTPONEMENT OF THE DIOCESAN REPORT FOR BISHOPS OF THE AMERICAE. Last year, 1919, all Ordinary Bishops of the dioceses of the entire AMERICAE, according to the decree of the Most Holy Congregation of the Consistory and the prescriptions of the Code of Canon Law (canon 340), are obligated to prepare a report on the state of their Church and to visit the sacred Apostolical Limina, observing the norm of canon 341. Although it is to be hoped that the immense war, by which the entire human race is afflicted, will soon come to an end, nevertheless, the journey from the AMERICAE to Rome is presently difficult and fraught with dangers; therefore, the Most Holy Pope Benedict XV, with this decree of the Most Holy Congregation of the Consistory, benignly grants an indulgence, so that all Bishops may postpone the fulfillment of the aforementioned obligation until the following year, 1920. If, however, in the year 1920, the aforementioned unfortunate circumstances should, to God's great mercy, be averted, then the same Most Reverend Bishops

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will remain dispensed from the visit to the sacred Limina for the current five-year period, but they will remain obligated to prepare a report on the state of the diocese and to transmit it to the Most Holy Congregation of the Consistory, in the best manner possible, as soon as they can. Contrary to anything to the contrary notwithstanding. Given in Rome, from the Secretariat of the Most Holy Congregation of the Consistory, on the 8th of August, 1918.)$(C. CARD. DE LAI, Bishop of Sabina, Secretary. L. © S. f V. Sardi, Archbishop of Caesarea, Assessor. V. DESIGNATION OF CERTAIN ORDINARIES FOR APPEALS BY METROPOLITANS ACCORDING TO CANON 1594, § 2. August 2, 1918. — The Most Reverend Archbishop of Panormitanus designated the Ordinary of Mazariensem. — The Most Reverend Archbishop of Bambergensis, the Ordinary of Herbipolensem.

[*Latin ed. p. 367*]

Sacred Congregation of the Consistory, 367, August 2, 1918. — To the Most Reverend Archbishop of Vercelli, and to the Ordinary of Novara. — To the Most Reverend Archbishop of Urbino, and to the Ordinary of Pesaro. August 9. — To the Most Reverend Archbishop of Gassili, and to the Ordinaries of Vaterfod and Limor. His Holiness, Pope Benedict XV, having heard the report of the Eminent Secretary of the Sacred Congregation of the Consistory, has deigned to approve the appointments as mentioned above. VI. PROVISIONS CONCERNING CHURCHES. By decrees of the Sacred Congregation of the Consistory, His Holiness, Pope Benedict XV, has provided for the following churches with their proper pastors, namely: July 29, 1918. — To the titular episcopal church of Halicarnassus, he appointed the Reverend Stanislaus Gai, whom he designated as an Auxiliary Bishop to the Archbishop of Warsaw. — To the titular episcopal church of Arcalonitis, he appointed the Reverend Adalbert Stanislaus Owezarek, whom he designated as an Auxiliary Bishop to the Most Reverend Bishop of Breslau. — To the titular episcopal church of Achantia, he appointed the Reverend Wladislaus Krynicki, whom he designated as an Auxiliary Bishop to the same Most Reverend Bishop of Breslau. — To the titular episcopal church of Barcae, he appointed the Reverend Adolph Szelazek, whom he designated as an Auxiliary Bishop to the Most Reverend Bishop of Płock. — To the titular episcopal church of Chanathen, he appointed the Reverend Paul Kubicki, whom he designated as an Auxiliary Bishop to the Most Reverend Bishop of Sandomierz. — To the titular episcopal church of Cusara, he appointed the Reverend Romuald Ialbrzykowski, whom he designated as an Auxiliary Bishop to the Most Reverend Bishop of Augustów. August 3. — To the cathedral church of Tulle, he appointed the Reverend John Castel, the general vicar of Pamiers. August 9. — To the titular episcopal church of Capharnaum, he appointed the Reverend Aloysius Barlassina, perpetual

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curate of Saint John in the Lateran Palace.

[*Latin ed. p. 368*]

368 Acta Apostolicae Sedis - Commentarium Officiale

SACRA CONGREGATIO CONCILII PADERBORNEN.

Concerning Alms from Masses.

On November 10, 1917, the following matter was brought to the attention of this Sacred Congregation.

The Most Reverend Bishop of Paderborn, and also the Administrator of the Apostolic Vicariate of Anhalt, had previously obtained from the Holy See a dispensation, by virtue of which the priests of his diocese and vicariate could receive a stipend for the second Mass, commonly called a "binata," as well as for Masses offered for the people on abrogated feast days, but under the condition that they should deliver this sum to the Ordinary, for the benefit of the pious work called the Leonine College.

Furthermore, the aforementioned Bishop recently presented to this Sacred Congregation a written petition, in which he stated: "Certain doubts have been raised by some of the priests under my jurisdiction, concerning whether, in the case of parish priests who celebrate a sung Mass, either a solemn Mass or a simple Mass, which has been announced the preceding Sunday with the indication of the day and hour, and of priests who repeatedly and by order celebrate a sung Mass on Sundays and feast days, it is permissible for them to remit only the stipend for a sung Mass, according to the diocesan tariff, to the Bishop, or whether they should remit the full stipend, according to the diocesan regulations for Masses, or according to a foundation. In response to these doubts, I have decided as follows: If, on abrogated feast days, funerals or weddings take place, and the parish priest is obliged to celebrate a sung Mass, either a funeral Mass or a Mass for the betrothed, then only the usual stipend for a private Mass should be remitted to us; in all other cases, the full stipend, whether offered by hand or from a foundation, should be remitted to us."

"Humbly, I request that the Holy See approve this decision for the priests of my territory.

For it seems just that parish priests, who are obliged to celebrate a sung funeral Mass or a sung wedding Mass on abrogated feast days, should remit only the stipend for a sung Mass, since in such cases, the rights of the vestments are diminished. In all other cases, parish priests are not at all obliged to celebrate a sung Mass, and they always receive the stipends for sung Masses. In order that the appearance of avarice may not creep into

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the most holy celebration of the sacrifice, I have considered it fitting that..."

[*Latin ed. p. 369*]

369 Sacra Congregatio Concilii "parochis integrum stipendium, sive manuale sive fundatum, favore 'Collegii Leonini' tradant. Praeterea, parochi et alii sacerdotes, qui diebus dominicis et festivis duas Missas in commodum animarum celebrare debent, nullum detrimentum patiuntur, si integrum stipendium manuale vel fundatum tradunt, quia congruo salario eorum aliter sufficienter provisum est."

SYNOPSIS DISCEPTATIONIS. - Super hac re, aliquis requisitus de suo voto, H. S. C. Consultor suprarelatum Episcopi decretum in utraque parte approbari posse censet, hisce adductis rationum momentis. Quod primam partem attinet, recte ratiocinatur Episcopus, aliter fieri non posse, quin parochis debita iura stolae detrahantur. Sed praeterea, attendendum videtur agi in casu de Missis solemnibus cum cantu, quibus nempe extrinsecus labor et incommodum praeter ordinem subest: at vero, Haec Sacra Congregatio, quae semper districtissime prohibuit ne pro altera Missa in casu binationis quidquam perciperetur a celebrante, ultro permisit in casu quo Missa illa cum cantu persolvi deberet, remunerationem aliquam, "non pro Missae applicatione," sed dumtaxat, "intuitu laboris et incommodi"; cf. S. C. C., Treviren., 23 mart. 1861, ad L.

Haec eadem adducta ratio obstare quidem videretur quominus Episcopi oratoris decretum in altera sua parte probetur: nam etiam in hac altera parte sermo est de Missis cum cantu, ac propterea eadem subest ratio extrinseci laboris et extraordinarii incommodi subeundi. At difficultas facile evanescit, si consideretur praefata resolutione diei 23 mart. 1861 permissionem in casu conscientiae et arbitrio Episcopi concessam fuisse: "Posse permitti, prudenti arbitrio Episcopi, aliquam remunerationem 'intuitu laboris et incommodi, exclusa qualibet eleemosyna pro applicatione Missae'." In casu autem Episcopus pro suo prudenti arbitrio id permittendum minime censet, ne inconveniens et admiratio suborietur ex studiosa, quae secus contingere posset, Missarum cum cantu queritatione, ex parte eorum sacerdotum et parochorum qui Missarum simplicium copia non destituuntur.

Utique huiusmodi inconveniens non subest, si agatur de Missis fundatis; verumtamen tunc quoque parochis ius retinendi integrum stipendium esset dumtaxat si ipsum "locum teneret congruae parochialis," prout explicite cavet decretum Ut debita, § 15; quod a casu exsulare videtur, quum Episcopus doceat "congruo salario 'eorum' - i.e. parochorum et aliorum sacerdotum - aliter sufficienter provisum est."

Quamobrem, attento praesertim quod indultum impetraverit Episcopus, non favore parochorum, sed favore Operis Pii, quumque non resultet decretum de quo agitur alicuius ius laedere, ipsum sustineo.

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ACTA, vol. X, n. 9. — 2-9-918. 24

[*Latin ed. p. 370*]

370 Acta Apostolicae Sedis - Commentarium Officiale. It must be noted, indeed, that, because it was conceived to discourage the evil practice of avarice among the clergy, it appears prudent and laudable. Thus far, the opinion of the Consultor. Furthermore, the following were added for the purpose of more fully explaining and clarifying the matter: 1. In general, it appears from practice and from decrees of the Holy Sacred Council that, in this and similar cases, the entire alms of the Masses should be directed to the benefit of the diocesan works of piety, as was decided on the feast of Saint-Dié, February 27, 1905. 2. Regarding the following question: "Can the Bishop of Saint-Dié, by virtue of several indulgences, grant to the priests of his diocese the faculty of receiving the alms either for the second Mass or for Masses on the days of feasts suppressed in France, provided that the aforementioned alms are applied to the pious works of his diocese?" Furthermore, following in the footsteps of his three predecessors, the aforementioned Bishop granted to the priests that whatever the amount of the alms may be, it should not be sent to the episcopal chancery, except for the synodal alms, that is, 1.50 livres. The question is asked: "Is this concession of the Bishop legitimate?" The answer given was: "No." And rightly so. For, since the alms are to be given entirely to those celebrating Mass, and the one offering the Mass intends to give the entire amount with a view to the burden imposed upon them, it is only just that the stipend, for which an apostolic indulgence has been granted, should be applied entirely to the pious works. Moreover, if it were permissible for these same priests to retain a portion of the common alms, the indulgence itself would not, as is fitting, be solely for the benefit of the pious works. 2. Truly, this general rule admits of exceptions, not indeed from a title intrinsically belonging to the Mass itself, but from other titles extrinsic to the celebration itself. Indeed, among these titles, which are only accidentally connected to the sacred ministry and are of estimable value, are not only the rights of the vestments or the parish altar, but also greater inconvenience or labor, or even industry, to which the person is subjected. As far as the rights of the vestments are concerned, there seems to be no doubt. For, in a decree of Monaca, July 25, 1875, which was confirmed by the aforementioned decree of the Holy Sacred Council, dated May 11, 1904, "considering that some of the alms of Masses held a place for the parish vestments, the Most Reverend Fathers decreed it permissible for the parish priest, if he cannot satisfy these needs himself, to assign these Masses to another priest, with the alms being applied in the ordinary manner of the place, either for Masses said or sung" (Acta S. Sedis, vol. 36, page 672). Similarly, in another decree of Colonia, July 25, 1874, no. 5, when the following question was presented: "In cele-

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brating marriages or funerals, what are the rights of the parish altar?"

[*Latin ed. p. 371*]

The Holy Congregation of the Council 371: "These [payments] are not paid in a lump sum, but a certain portion is assigned for specific actions and to properly compensate those performing the functions required. Therefore, a certain [amount] of alms, and one more substantial than for other customary Masses, is fixed by the Ordinary, both for wedding Masses and for funeral Masses, the celebration of which, by law and custom, pertains to the parish priests." This Holy Congregation responded: "When it is a question of the rights of the altar, it is sufficient if the parish priest pays the celebrant the customary alms" (Acta S. Sedis, vol. 8, page 75). Therefore, it seems that, with regard to the alms for these Masses, the rights of the altar, or a suitable parish contribution, must also be taken into account, so that not the entire stipend, but rather the customary amount, should be given to the priest celebrating these Masses. This also seems to hold true when the alms for a Mass for the people are consigned to the Ordinary for pious causes, because where the reason is the same, the legal arrangement should also be the same.

3. It also seems that a different view should be held regarding other extrinsic titles of a Mass, namely, the greater labor or extraordinary inconvenience, or even the industry of the person, as can be deduced from several decisions of this Holy Congregation. Thus, in the aforementioned Treviris, on May 23, 1861, after these doubts were proposed: "1° Whether parish priests who, in order to satisfy the intentions of the founders, say two Masses on Sundays and holidays and apply them for the benefit of the Promissary [donors], can receive a salary from the fund of the Promissary [donors] for this particular labor; 2° Whether parish priests, who, due to circumstances, say Mass twice on Sundays and holidays, either in the parish church or in a chapel, and simultaneously impart Christian instruction, can receive a certain annual salary from the parishioners for this particular labor and industry," this Holy Congregation responded: "It can be permitted, at the prudent discretion of the Bishop, a remuneration in consideration of the labor and the burden, excluding any alms for the application of the Mass" (Acta S. Sedis, vol. 1, page 15). Furthermore, in Lugdunum, on January 31, 1880, several Bishops of France stated that they had obtained an apostolic indult to apply a portion of the stipend of certain Masses for the people to diocesan works of piety, but that some of them, when receiving the stipend from the Bishop, retained the excess of the more substantial alms offered by the faithful, arguing that in such cases an extrinsic title was present, or an extraordinary labor, if the Mass was sung or publicly announced on the preceding Sunday, if a journey had to be made, or especially the generosity spontaneously and evidently given with regard to the

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person alone. Undoubtedly:

[*Latin ed. p. 372*]

372 Acta Apostolicae Sedis - Official Commentary: "To the parish priests, concerning the sum sent to the Bishop according to diocesan regulations: 'Regarding the excess of alms collected from Masses,' the response from this Sacred Congregation was: 'No, unless there is moral certainty that the excess of the common alms was given with the intention of benefiting a particular person, or due to greater labor or inconvenience' (Acta S. Sedis, vol. 13, page 256). Similarly, in Bamberga, on June 17, 1905, the Archbishop of that diocese, having obtained permission from the Holy See to grant indulgences so that the stipends, or the second Mass, which all his diocesan priests offer, given their poverty, or the Masses celebrated by parish priests and vicars on holy days in favor of the diocesan seminary, might be given, requested from this Sacred Congregation: 'Whether priests using this privilege are, even in the case where they celebrate Mass with singing, obliged to hand over the entire stipend received, or whether it is permissible for them to hand over only the tax established by the diocese for sung Masses, retaining the remaining portion of the stipend (after deducting the remuneration for singing Masses) for themselves'; and the following response was given: 'Communicate to the Archbishop the resolution of January 31, 1880, in Lugdunum' (Acta S. Sedis, vol. 38, page 211). Finally, in Annecy, on March 24, 1906, regarding the following questions: '1. When parish priests celebrate a sung Mass, either solemnly or simply, which has been announced on the preceding Sunday with the indication of the day and hour, is it permissible for them to transmit to the Bishop only the stipend of the sung Mass according to the diocesan tax (intended for the diocesan seminary), or must they hand over the entire stipend established by the diocesan regulations for such Masses? 2. If they celebrate a funeral Mass with singing on the aforementioned days, do they fulfill their obligation by sending the stipend of the sung Mass according to the diocesan tax, or must they send the stipend of the sung Mass according to the aforementioned tax, reserving the rights of the choir?' This Sacred Congregation considered it appropriate to respond as follows: 'To both, affirmatively for the first part, and negatively for the second, whenever there is moral certainty that the increase in the common alms was given due to greater labor or inconvenience, to which the parish priest is not otherwise obligated' (Acta S. Sedis, vol. 39, page 226). From these, it seems to follow that priests, except in the case where the rights of the altar or choir are involved, are not obliged to hand over the entire stipend of the Mass to the Ordinary for a pious cause, even in other cases, namely, when it is morally certain that the excess of the common alms represents, in some

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way, a remuneration for greater inconvenience.

[*Latin ed. p. 373*]

373 The Holy Congregation, whether considering the labor involved or even the intention of the celebrant himself, has ruled. Therefore, the decree of the Bishop of Paderborn seems not to be sustainable, at least in part. Nor does the reasoning of the same Bishop, derived from the fact that "parishes suffer no detriment if the entire manual labor or foundation [endowment] is given, because sufficient provision is made for their due salary," hold. For it makes no difference whether the celebrant is rich or poor, and whether he has enough to live on from ecclesiastical benefits. For, as Fagnanus teaches in the chapter on fraternities, concerning burials, no. 83, "sacred canons do not consider poverty in the assignment of a stipend, but the reward for labor, since no one serves with his own stipends" (chap. Cum ex officio, de praescripta).

RESOLUTION. - Therefore, after the matters were presented, with the aforementioned observations, in the plenary assembly of the Most Reverend Fathers of the Holy Congregation of the Council, held in the Apostolic Palace at the Vatican on November 10, 1917, at the request of the Ordinary of Paderborn, the Most Reverend Fathers decreed: "The decision of the Bishop is to be approved, unless it is established with moral certainty that the excessive amount was offered out of consideration for the person, or out of greater labor or inconvenience; as was decided in Lugdunum before the Holy Congregation on January 31, 1880." This resolution was deigned to be confirmed and approved by Our Most Holy Lord Pope Benedict XV, with the reference of the undersigned Secretary of the Holy Congregation, in the audience of the 12th day of the same month and year.

I. MORI, Secretary.

HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH.

APOSTOLIC BRIEF.

Named: August 9, 1918.

The Reverend Aloysius Barlassina, Auxiliary Patriarch of Jerusalem, is appointed as a parish vicar of the Archbasilica of the Lateran.

[*Latin ed. p. 374*]

374 Acta Apostolicae Sedis - Official Commentary

SACRED CONGREGATION FOR THE RITES OF ST. LOUIS

DECREE CONCERNING THE INTRODUCTION OF THE CAUSE FOR THE BEATIFICATION AND CANONIZATION OF THE SERVANT OF

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GOD, FELIX DE ANDREIS, PRIEST AND FIRST SUPERIOR OF THE CONGREGATION OF THE MISSION IN AMERICA.

Born in the town of Demonte, in the diocese of Cuneo, formerly Taurinensis, on December 12, 1778, Felix De Andreis was baptized on the same day by pious parents. Confirmed with the sacred chrism at the age of eight, while still a boy, he fell into a deep river, but, with God's help, was miraculously preserved unharmed. At the age of fifteen, he entered a college, dedicating himself to liberal studies, especially poetry, and showed a desire to join the Sodalitas Missionis. He soon revealed his zeal and desire to the Visitor of that same congregation, but, due to his versatile talents and various courses of study, he found the path to achieving his desired goal obstructed. Nevertheless, undeterred and not ceasing, and disposed to all things, he finally achieved his wish. Bidding farewell to his beloved muses, he was admitted first for a probationary period and then for a year of novitiate at the Mission of Monte Regale in 1797. After completing his novitiate with merit, he devoted himself to studies in Turin for some time, and successfully completed them in the Piacentino College. He duly received the sacred orders of subdeacon, deacon, and priest, entirely intent on the glory of God and the eternal salvation of himself and his neighbor. Ordained a priest, at the order of his superiors, he diligently and fruitfully performed various duties as moderator, teacher, and preacher. Highly learned in Latin and Greek languages and literature, as well as Hebrew, French, and Spanish, he was also a student of the natural sciences, mathematics, geography, chemistry, pharmacy, medicine, and music. However, he cultivated and taught theological disciplines with canon law and the Holy Scriptures, along with the commentaries of the Saints and Doctors, with singular diligence and piety, both in the classroom and in the sacred ministry, especially in seminaries, monasteries, and other pious institutions. Desiring to preach the word of Christ and spread his faith in foreign lands and among the infidels, he requested and obtained permission, with great joy in his heart, although the execution of such permission was postponed for a more opportune time. In the meantime, he was in Piacentine, and then...

[*Latin ed. p. 375*]

The Holy Congregation of Rites, in Rome, assigned him another task. In the month of March of the year 1806, the Visitor of the Roman Province, Felicissimus De Andreis, arrived in the City and was granted, in addition to the chair of dogmatic theology in the House of the Mission, near the Innocentian Palace, various ministries of preaching and confession, both within and outside the house, for the benefit of the clergy and the people, especially among colleges, religious institutes, and the congregation of Saint Paul, to which he was appointed and assigned to the council of moderators. Consequently, he came to be highly esteemed by Cardinal de Somaglia, the General Vicar in the City, and by the Supreme Pontiff himself,

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who judged him worthy of the episcopal dignity. As for this Servant of God, a doctor and teacher of theology, both for the clergy of the Congregation of the Mission and for the students of the College of Propaganda Fide, and also an excellent preacher and missionary, who worked diligently in Rome to promote and preserve the integrity of faith and morals, both under the hostile domination and exile of Pope Pius VII, and after the restoration of the Church and the freedom and peace of the Supreme Pontiff, the most distinguished ecclesiastical and lay men testified with approved documents, both private and public. In the year 1815, the Most Reverend Du Bourg, the Bishop appointed to New Orleans in North America, came to Rome, to render due honor and obedience to the Apostolic See and to the Roman Pontiff, and also to provide suitable and worthy workers for his diocese. Received with hospitality in the aforementioned House of the Mission, he easily found that the Society of the Mission was suitably and opportunely established in his diocese, and especially in the city of Saint Louis. With the help of God, after overcoming the difficulties that arose, and with the most ample permission of his superiors, and with the august presence and good wishes of the Supreme Pontiff, Felix De Andreis, along with selected members, set out for distant regions, while Bishop Du Bourg rejoiced at the treasure acquired for himself and for his diocese. On his journey, he remained in Bordeaux for six months, where he properly and willingly fulfilled several tasks entrusted to him by the diocesan Archbishop in prisons, hospitals, and among the Daughters of Charity of Saint Vincent de Paul. Recognized by Bishop Du Bourg as the Visitor of his Congregation, and decorated with the title and office of General Vicar of the diocese, he, along with his companions, explored various regions of North America through laborious journeys and sacred expeditions, sowing good seeds and gathering a fitting harvest. The Servant of God himself reported in writing that, while Saint Thomas was near the city of Bardstown, they had undertaken an apprenticeship in the mission under the excellent Fathers Flaget, the Bishop, and David, a missionary, in the areas of the study of languages, the knowledge of the region, the experience of ministry, the suitability of functions, and the public and private life of a missionary priest. There, they were to teach theology.

[*Latin ed. p. 376*]

376 Acta Apostolicae Sedis – Devoted to the official record and the works of the ministry, Felix, along with his companions, was suddenly sent to the city of St. Louis, where he undertook the responsibility of governing the parish of St. Genevieve. Following the example of the Divine Shepherd, he became the soul of the flock, pursuing the end of his mission, which he was wont to express thus: "The spirit of the Lord is upon me. Wherefore he hath anointed me to preach the gospel to the poor, he hath sent me to heal the contrite of heart,." and, with a right intention, ardent zeal, and

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diligent work, he achieved it. Furthermore, in order that the Congregation of the Mission might establish a stable dwelling and spread itself in the regions of America, with the approval and consent of the Prelate Du Bourg, a college for novices was established in the very city of St. Louis on December 3, 1817, under the title and patronage of St. Francis Xavier. A prefect, rector, and doctor, Felix De Andreis, was appointed to this college and its associated schools; under whose discipline the novices and students diligently responded to wise and paternal guidance. Moreover, with the counsel of the same Prelate, the Servant of God intended to extend the benefits of the mission to peoples of foreign tongues, nature, and customs, and to those who were barbarous and uncivilized; and for this purpose, he learned their vernacular languages, and was entirely devoted to receiving and assisting them, and was prepared for all things. But this man of God, after so many exhausting labors, felt his hour of departure from life approaching, and awaited with peaceful and quiet composure the blessed reward, promised to a good and faithful servant by the Lord God. Devout in the Incarnation and Passion of the Lord, a most loving son of the Virgin Mary, and a devoted disciple and faithful imitator of the saints Francis Xavier, Francis de Sales, and his own spiritual father, Vincent de Paul, he received the sacraments of the Church with the utmost piety; and after giving to his companions, who were present and afflicted with sorrow, testimonies and pledges of his faith and charity, with a paternal blessing and a heartfelt outpouring, he peacefully departed this life on October 15, 1820. With solemn funeral rites celebrated by the clergy with devotion and the attendance of the people and the elite, the body of the Servant of God was taken to the Seminary of Barrens, and honorably laid to rest near the altar of St. Vincent, founder of the Congregation of the Mission. Meanwhile, the fame of sanctity, which Felix De Andreis had acquired in life, after his death, shone more brightly, and gave rise to an inquiry into the matter, with the authority of the Ordinary, in the ecclesiastical court of St. Louis. After both informative processes were completed and presented to the Congregation of Sacred Rites, and after, with due observance of the law and a careful review of the writings of the same Servant of God, nothing was found to impede further proceedings; at the urgent request of the Most Reverend Raphael Ricciardelli, the general promoter of the Congregation of the Mission, together with the entire Vincentian Family, and with attentive letters from certain Eminences of the Holy Roman Church, from several Archbishops, and from Prelates –

[*Latin ed. p. 377*]

377 The Holy Congregation of Bishops of Regular Orders, or of Congregations, and of other men of ecclesiastical or civil standing, the undersigned Cardinal Anthony Vico, Bishop of Porto and Santa Rufina, in place and by order of the Most Eminent and Reverend Lord Cardinal Raphael

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Merry del Val, Promoter of this Cause, at the meetings of the Ordinary Congregation of Sacred Rites, convened on the date indicated at the Vatican, proposed the following question for discussion: Whether a Commission for the Introduction of the Cause should be signed in the case and for the purpose under consideration? And the Most Eminent and Reverend Fathers entrusted with the safeguarding of the sacred rites, after the report of the aforementioned Cardinal Proponent, having heard the voice and the written opinion of the Reverend Father Doctor Angelo Mariani, General Promoter of the Faith, and having considered all matters diligently, judged it fitting to respond: That the Commission for the Introduction of the Cause should be signed, if it pleases the Most Holy [Father]. July 24, 1918. All of which having been reported to the Most Holy Lord, our Pope Benedict XV, through the undersigned Cardinal, Prefect of the Sacred Rites Congregation, His Holiness, having approved the aforementioned Decree of the same Sacred Congregation, deigned to sign with his own hand the Commission for the Introduction of the Cause of beatification and canonization of the Servant of God, Felix de Andreis, priest and first superior of the Congregation of the Mission in America, on the 25th day of the same month and year.

[Signed:] ANTONIUS CARD. VICO, Bishop of Porto and Santa Rufina, Prefect of the Sacred Congregation of Bishops.

[Signed:] S. ALEXANDER VERDE, Secretary.

[*Latin ed. p. 378*]

378 Acta Apostolicae Sedis - Official Commentary

ACTS OF THE ROMAN ROTA OF THE SACRED CONGREGATION

AMBIANENSIS. NULLITY OF MARRIAGE (WATRIPON-DETUNCQ).

Under the blessed reign of Pope Benedict XV, in the third year of his pontificate, on January 3, 1917, the Most Reverend and Venerable Fathers, Frederick Cattani-Amadori, President, Peter Rossetti, and Raphael Ghimenti, Auditors *de turno*, in the case of Ambianensis - Nullity of marriage (which in the first instance was referred by the Most Holy Office to the Supreme Pontiff), between Leon Watripon, represented by the procurators Charles Santucci and Christopher Astorri, Advocates of the Sacred Rota, and the Lady Isabel Detuncq, who was contumacious; and with the Defender of the Sacred Bond intervening and arguing in the cause, rendered the following judgment.

Leo Watripon, son of a Patrician, was born in the diocese of Ambianensis in the year 1878. When he was twenty-one years of age, he met Isabel

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Detuncq, and, captivated by her love, he often visited her, and then he promised her marriage. Meanwhile, he fulfilled his military obligations, and on May 19, in the year 1902, he married her, who at that time was twenty years old. But alas! after nineteen months from the beginning of the marriage, the girl abandoned the marital home, and subsequently petitioned a civil tribunal for a divorce, which she obtained.

In the year 1910, Leo Watripon went to the ecclesiastical tribunal of the diocese of Ambianensis, requesting that the Supreme Pontiff grant a dispensation from the marriage, which had been consummated. But shortly thereafter, fraud was discovered on the part of the plaintiff regarding the alleged lack of consummation, and therefore the case was abandoned.

Two years later, the same man presented a new petition to the diocesan tribunal, requesting that the nullity of his marriage be declared, alleging a different impediment, namely, a grave and reverential fear under which Isabel had entered into the marriage. The petition was first signed by a certain monk, Didier, O.S.B. (who wrote it down in the name of the plaintiff), and then by Leo Watripon himself. At the end of the petition, there is an addition.

[*Latin ed. p. 379*]

In the records of the Roman Rota, number 379, the following is recorded: "It is to be added that Mr. Léon Watripon, under the influence of his mother, gave the impression that his marriage was not consummated, whereas in fact it was; Mrs. Watripon observes that a priest had told her that one could well make a small lie in order to save a child from such a predicament." The Curia of Amiens referred the matter to the Roman Rota, and the petitioner requested that the Most Holy Pope order that the cause be determined in the first instance by His Most Holy Tribunal; which he obtained. Now, when the judgment was referred to Tournon, after the investigation of the cause was completed, We would have to respond to the proposed doubt: Whether there is proof of the nullity of the marriage in this case. Which is the fact. In this particular case, in which a grave fear of reverence was allegedly experienced by a woman in relation to the marriage, it happened that neither the woman who claims to have experienced the fear, nor her parents, who are said to have instilled the fear in her, were willing to appear in court. Isabel, initially summoned by the judge, responded to him in this manner: "In response to your esteemed letter of the 29th, I venture to point out that, having received no explanation regarding your summons for September 2nd, I do not see the use of coming to Amiens on that day, without knowing the reason; my parents are in the same disposition." Secondly, when summoned to court, she gave no response. Thirdly, finally, she wrote to the judge of the Roman Rota: "In response to the summons that I have received from Rome, I take the liberty of expressing my surprise that the French clergy should have considered the request of Mr. Watripon

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for the annulment of the marriage. Since we are on the ground of religion, allow me to tell you that it was he who imposed the divorce on me, which I had not requested; for I have always seen in my catechism that marriage is indissoluble and can only be broken by death. I had therefore simply requested a separation. Consequently, if anyone is outside the Church, it is not me, and I protest with indignation against an act which I consider to be contrary to my religious principles. I ignore the reports, more or less false, that may have reached the Bishopric of Amiens, but in conscience, there is no valid reason for the dissolution of my marriage. I have every confidence that the justice of the Sovereign Pontiff will not allow this injustice to be committed." This woman is said by the Bishop of Amiens to be "of a vain disposition and fond of fables or storytelling." However, the parish priest where she resides testifies: "I can add that her conduct is irreproachable."

[*Latin ed. p. 380*]

380 Acta Apostolicae Sedis - Official Commentary « that she neglected none of the duties of the parish. I received 'the highest praise' for this. I also learned, through my investigation, that 'colleagues' had signed a document relating to 'the ongoing trial.' My signature was not requested, and for good reason." The writings, to which the parish priest of the church of Notre-Dame, commonly known as Honory, refers, are certain testimonies presented by the plaintiff to the court of Amiens, which were signed by witnesses, but were written by a different hand. The witnesses who signed are: Arturus Brunei, Lady Clara Colin, Lady Leontina Armand, Nestor Brunei, Lady Leocandia Foulon, Desideratus Theodulus Delcourt, Lady Maria Sannier, born Watripon, and Lady Ismenia Watripon, widow Desprez. All of these testimonies, being extrajudicial or given without due process, and not having been confirmed by oath, have no value, and therefore should be treated as if they were not presented. To complete the investigation in this case, a Reverend Tribunal from Rheims was delegated by Our Sacred Tribunal, and the plaintiff, along with ten witnesses, was duly heard. Therefore, the testimony of the plaintiff must be examined first; and since he had previously sent a document to the court of Amiens, which he had signed along with the monk Didier, and later sent another document, signed by himself, to the court of Rheims, the answers given by him to the investigating judge must be compared with the aforementioned documents, so that their value may be more clearly apparent. In the first document, the plaintiff wrote: "On the very day of the wedding 'she (namely, Isabel) left her husband alone, to cause trouble, to amuse herself, and to dance with one of her cousins, her true lover,' etc. In his answer to the investigating judge, however, he greatly mitigated the matter, saying: "On the evening of the wedding, she danced quite often with that cousin." In the same document, the plaintiff wrote: "This woman never showed her husband the 'delicacies and attentions that he was entitled to expect from her; she ate

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'alone, and did not prepare 'meals for her husband,' etc. To the investigating judge, however, he responded: "After the marriage, the wife, on certain days, appeared to be somewhat indifferent to her husband, but she 'did not refuse to take her 'meals with him." In the aforementioned document, he also narrated: "Having (Isabel) only 17 years 'when she married (which is false, for at the time of her marriage, Isabel was twenty years old, as the records show), 'this young girl was so childish that she still 'walked around with a doll, a few days 'before her wedding." However, in his response to the investigating judge, he said: "Miss Isabel Detuncq, at the time of the marriage, 'appeared to Mr. Watripon to be quite mature; the husband 'has never heard that a few days 'before the marriage, she was still 'playing with a doll." In the document sent to the Tribunal of Rheims, the plaintiff narrated,

[*Latin ed. p. 381*]

The Roman Rota has recorded the following incident concerning the time of betrothal: "However, I had to observe on several occasions that upon my arrival, the young woman was delayed, and on many occasions, her mother had to go and fetch her and bring her near to me. Because I loved her so much, passion prevented me from perceiving the disdain she had for me." On the other hand, the investigating judge heard testimony that: "Mr. Watripon did not encounter a great degree of affection from the young woman. However, she received him willingly." In the same document, it was asserted: "During my year of military service in Amiens, a city very close to St-Mauvis (approximately 45 km), not being able to go to see her at her home, I asked her to come and see me with her parents, but she never came, while her parents came several times so that I would not forget their daughter." On the other hand, the questioning judge heard the following: "She came from time to time to see Mr. Watripon, who was doing military service in Amiens; her parents came more often. During her visits, she seemed quite pleased to see Mr. Watripon." In the aforementioned document, it was also stated: "Immediately after the military service, the marriage took place on May 19, 1902, but under conditions that immediately made me doubt the fidelity and affection of my wife. She was very sad on that day; I saw her discontent. Indeed, on the very evening of the wedding, she never wanted to dance with me, while she danced all the time with her cousin, a thing that everyone remarked with astonishment." On the other hand, the investigating judge heard testimony that: "The father seemed amiable towards his daughter. Before the marriage, Mr. Watripon did not think that Isabelle Detuncq was being forced by her parents to take him as her husband. She appeared content during the very ceremony of the marriage. Mr. Watripon, before the marriage, did not know that Isabelle Detuncq loved her cousin Lefèvre. On the evening of the wedding, she danced quite often with that cousin." Furthermore, in the same document,

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she recounted that: "The Detuncq family wanted to improve their fortune with this marriage; the proof of this is that Isabelle one day tried to take possession of my keys with the intention of seizing my own documents. This fact proves that Isabelle not only did not want me, but that she was not honest, because her conduct, in this case, was completely contrary to that of a new wife." However, in the trial, when questioned about this matter, he responded: "Mr. Watripon could not say that anyone had tried to open his safe." Finally, in the document, she recounted: "She (Isabelle) also told me that one day she tried to leave her house, and that her father took a rifle and said to her: 'You will not pass the gate.'" In the testimony given before the judge, however, she said nothing at all about this, but only: "Miss Isabelle Detuncq said..."

[*Latin ed. p. 382*]

382 Acta Apostolicae Sedis - Official Commentary, by Mr. Watripon, for the eighteen months of the marriage, that she had been "urged by her parents to marry him," and that he would determine, in what ways the parents had urged Isabel to the marriage. After so many and such contradictions, which the testimony of the plaintiff, compared with his documents, reveals, how much credence we can give him, becomes quite apparent. The witnesses who appeared in court are ten. The first to be questioned by the judge was Mr. Arthur Brunei, who responded: "Ms. Detuncq said to Mr. and Mrs. Brunei that she hoped to marry 'her cousin'..." Regarding Ms. Detuncq, who said in the presence of Mr. and Mrs. Brunei that she had been forced by her parents to accept "this marriage." The witness knows Mr. Detuncq as a "very violent and very original man." He knows nothing more... He knows that the Watripon couple spent Sunday evening at his house; that on Tuesday, Mr. Detuncq came to pick up his daughter, and that the following Saturday, Mr. Watripon received a summons for divorce. That Sunday evening, "the couple seemed to be completely in agreement." Regarding everything else that was asked of him, he reports as if he were a witness of someone else's knowledge, or because he had heard it from others, and especially from the Watripon family. The witness, Clara Colin de Mauflières, knows nothing of her own knowledge, except that the Detuncq family lacked religiousness. The witness, Mrs. Leontina Armand, born Watripon, and sister of the plaintiff, testifies to the lack of religiousness in the Detuncq family and to the same family's lack of good fortune at the time of the marriage. Furthermore, she states that Isabel had already before the marriage been in love with her cousin, with whom she danced very happily on the very day of the wedding. "She has noted that Mrs. Watripon has never shown affection for her husband. As for the rest, the witness has heard her say... "After secretly taking some linen a few days previously, "her father came to pick her up in the absence of her husband, saying it was 'for a few days,' and took her to his home in St-Maulois."

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Regarding the other things that were asked of her by the judge, she reports nothing else except what she had heard from others. The witness, Mrs. Patricia Watripon, mother of the plaintiff, testifies to the irreligiousness of the Detuncq family; she asserts that the father of Isabel acted only so that he might acquire the good fortune of his daughter; and that the mother, the day after the wedding, said to Leon Watripon: "If Isabel has married you, it is only because of your position, because she had her cousin who loved her very much and who wanted to marry her." To the judge who questioned her, she responded: "... that before the marriage, Ms. Detuncq did not show herself to be amiable towards Mr. Leon Watripon; she cannot affirm that she did not want to marry him.

[*Latin ed. p. 383*]

The Roman Record, "Mr. Watripon." As for the persecutions and grave threats, the witness "only knows what public rumor says. She knows that Mr. Detuncq 'is a violent man...' On the day of the marriage, and not the day before, she 'only danced with her cousin Lefèvre... and after the marriage, Mrs. Watripon 'never showed any affection to her husband.'" Furthermore, she testifies "that 'Mrs. Watripon went with her father to Paris to visit her cousin for eight days... and that on the day of Mrs. Watripon's definitive departure, 'Mr. Léon Watripon noticed that someone had tried to open the safe, and that there was no one else in the house.'" However, as we have seen above, the plaintiff himself denied this to the judge. The witness, Lady Leocadia Foulon, to all the questions put to her by the judge, answers nothing other than what she has heard, without stating from whom she heard it: "She noticed that Mrs. Léon Watripon 'was not agreeable to her husband. As for the rest, the witness 'simply heard it said.'" The witness, Desiderius Theodulus Delecourt, likewise knows nothing of his own knowledge except that "Mrs. Watripon avoided, as much as possible, taking her meals with her husband. The witness saw 'strangers entering in the absence of Mr. Watripon, and heard the piano and singing.'" The witness, Father Nestor Brunei, parish priest of the church commonly called Senarpont, "knows from Mr. the Abbé Roussel, former pastor of Saint-Malines, that 'the Detuncq family is not religious.' He also knows this from Mr. Gauchy, a neighbor of the Detuncq family, in Saint-Maulvis, and from a brother of this Mr. Gauchy who lives in Senarpont... He knows from the aforementioned individuals 'that Mr. Detuncq is a very violent man... He knows that Mrs. Watripon left during the absence of her husband, and this is public knowledge.'" Of greater weight is the testimony of Mary Saunier, sister of the plaintiff himself. This witness testifies that she knows "that the Detuncq family 'is not religious, does not attend Mass, does not respect the law of abstinence... that 'the Detuncq family has experienced reverses of fortune.'" She also testifies that, on the evening of the wedding day, Lady Lefèvre, mother of the bride's cousin Isabel, said to her: "My

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son cannot help but make Isabel dance; 'fortunately, your brother is not jealous.'" Furthermore, she said: "The 'next day after the wedding, the witness noticed that Léon Watripon was 'sad; she asked him what was the matter, and he replied: 'My mother-in-law came this morning into my room and said to me: - If Isabel 'has married you, it is because of your position, for she had a cousin she loved very much, and who wanted to marry her.'"

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis - Commentarium Officiale. It is reported that the lady Detuncq did not wish to marry the lord Watripon, and that she was compelled by her relatives to enter into this marriage; and it continues: "The witness specifically heard that Miss Detuncq, 'wishing to leave her father's house in order to escape threats, her father had said to her, taking up his gun: "If you go out, you will not reach the gate." He saw that, before the marriage, Miss Detuncq was 'not agreeable to her fiancé...' He testifies that on the evening of the wedding, being present at the ball, he observed that the young bride 'disdained to dance with her husband and that she constantly danced with her cousin Lefèvre.' The witness, Lord Aemilius Deblaugy, testifies: 'He heard Miss Detuncq say, 'in the presence of her lawyer, Mr. Lambert, that she would not have married Mr. Watripon if she had not been forced by her parents, and even beaten several times by them.' The witness heard that 'Mr. Detuncq is violent...' He heard Mrs. Watripon say to him in the 'pasperdus' room of the Palace of Justice of Amiens, during the appearance for the divorce proceedings, that she 'detested her husband, that he disgusted her, that, moreover, he was a pig merchant.' The rest of what the witness recounts, he received from others. The witness, Henry Cauchy, summoned to court, wrote to the judge that he suffered from paralysis, and therefore could not travel to the city of Rheims. He submits his testimony in writing; however, it is not supported by any oath. He asserts that Isabel Watripon, aged 17 years, celebrated the marriage unwillingly, 'due to the insistence of her parents and because she was strongly threatened by her father.' He further asserts that Isabel was then completely unaware of what was happening. However, it is established from the records that Isabel was twenty years old when she contracted the marriage, and no other witness testifies that she was unaware of what was taking place. Finally, follows the testimony of the lady Desprez de Lignières, the plaintiff's aunt, who testifies 'that the Detuncq family, which she knows, is 'not religious'... She knows that the marriage was sought after by the parents and by the young woman, and she affirms that it was 'for the fortune'... That Miss Detuncq 'did not love' Mr. Watripon, but that she wanted to marry him nonetheless... That Miss Detuncq 'never showed any signs of affection' to Mr. Watripon 'before her marriage, while at the same time trying to attract him'... That after the marriage, Mrs. Watripon 'never showed any affection' to Mr. Watripon,' etc. The rest of what she

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testifies, she says she learned either from her own nephew, the plaintiff, after the marriage, as she herself declares, or from others, whom she does not specify, and she adds some things that are found to be false in the testimony of the plaintiff himself, such as, for example: that Isabel, on the day of the wedding, only greeted her brother-in-law.

[*Latin ed. p. 385*]

In Rome, on the 385th day [of the trial], the proceedings were suspended; for it was alleged that she had refused to dine with her husband, and that she had attempted to open the strongbox in his room in order to steal money. Regarding the witnesses questioned in this case by the judge, the Bishop of Amiens provided us with no information concerning their suitability or integrity, as he did not know them, except for the priest Leo (perhaps Nestorius) of Brunei, who gave the best testimony. However, we shall consider all to be trustworthy, according to the law: no one is presumed to be guilty unless proven so; except, of course, the plaintiff, who has been convicted of numerous lies. However, the information obtained from the witnesses can be summarized as follows: 1° That Isabel greatly desired her cousin Lefèvre, and wished to unite herself to him in marriage; 2° That she, whether before or after the marriage, held a less favorable opinion of Leon Watripon; 3° That the family of Isabel lacked religiousness, and that her father was of a violent nature; 4° That Isabel herself, to two witnesses (but only after her marriage, indeed, to the witness Aemilius Deblangy, after her separation from her husband), stated that, unless she had been compelled by her parents, she would not have married Leon Watripon. Besides the two aforementioned witnesses, namely Arthur Brunei and Aemilius Deblangy, several others claim to have heard the same thing, but they cannot determine the source from which they obtained this information; 5° That the family of Isabel was in financial need, and therefore the marriage of the daughter with Leon was considered in order to alleviate their poverty, although this is not proven; 6° Finally, that on the evening of the wedding, Isabel danced more frequently with her cousin Lefèvre. Regarding any threats or other means by which Isabel's father may have compelled her to marry Leon, no witness specifically mentions anything, except for Mary Sannier, the plaintiff's sister, who spoke of a threat involving a blunderbuss, although the plaintiff himself completely denied this in court, even though he mentioned it in his book. But the witness Mary Sannier claims to have learned this only from public rumor. This is in accordance with the law. Therefore, in this case, in which proof of coercion through fear was required, there is absolutely no testimony of the alleged threat itself; there is no testimony of anyone who is said to have inflicted the threat, nor of any other person connected to her by kinship; and the testimony of the plaintiff cannot be admitted. Furthermore, from the ten witnesses who appeared before the judge, nothing definitive can be extracted from

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which proof, either direct or indirect, of coercion can be inferred. However, fear that invalidates a marriage cannot be presumed, and must be entirely proven by the one alleging it. The threats reported by the plaintiff's sister, Mary Sannier, are found in the record, Volume X, number 9. – 2-9-918. 25

[*Latin ed. p. 386*]

386 Acta Apostolicae Sedis - Commentarium Officiale: No testimonies of witnesses confirm the facts; moreover, two witnesses report having heard from Isabel herself about the coercion she suffered, but they heard this at a time that is highly suspect. Both heard this after the marriage; one when discord had already arisen between Watripon and his wife, and the other when Isabel had already been separated from her husband, even in court, where her divorce was being discussed. But even though they heard this at a suspect time, their testimonies are reduced to the testimony of one Isabel, which cannot establish credibility in a case that concerns her so much. Everything else that is sufficiently proven in the records, which we have already mentioned, can only indicate some degree of fear. Indeed, the fact that Isabel wished to marry her nephew, that she pressured him, that she danced with him more frequently on the day of the wedding, and that she did not show Leo much affection, do not prevent her from having entered into the marriage voluntarily and freely; which is what the plaintiff's mother, Patricia Watripon, openly admits to the judge, stating "she (Isabel) did not want to marry Mr. Watripon." Indeed, the plaintiff's aunt, Madame Desprez de Lignier, affirms that this happened: "She (Isabel) knew that the marriage was sought by the family and by the young woman"; although she adds that they did so because of the groom's fortune: "and she affirms that it was for the fortune." However, a clear distinction must be made in marriage between the purpose of the act and the purpose of the one performing the act. The purpose of the act is that from which three goods of marriage arise: the good of procreation, the good of fidelity, and the good of the Sacrament. If, in the celebration of the marriage, the purpose of the one performing the act is so contrary to the purpose of the act that it excludes the former, then truly the marriage is not valid due to the lack of consent in the contracting party; but if the purpose of the one performing the act, or the contracting party, is not contrary to the purpose of the act, so that it does not exclude the former, then the essence of the marriage is preserved, and, whatever the purpose for which the marriage is entered into, it is valid (cf. Wernz, Ius decret., vol. IV, no. 52; Gasparri, De matrim., no. 9). As long as the validity of the marriages remains intact, theologians only dispute among themselves whether, if the purpose of the one performing the act, or of the spouses, is beauty, or pleasure, or the nobility of lineage, or the abundance of goods, etc., there is any sin in it; and there are those who excuse this very thing from all blame, because neither beauty, nor pleasure, nor the nobility of lineage, nor riches are evil in themselves, and

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therefore it is not wrong to seek them in marriage, provided that they are not sought primarily, nor solely (cf. Pontium, Diana, Sánchez). Therefore, it is useless, from the fact that the Detuncq family and Isabel herself were primarily seeking Leo's wealth in the marriage, for the defendants to try to demonstrate the nullity of the contract. Although, in chapter XIV, On betrothals and marriage, and in chapters XV and XXVIII, under the same title, and in the chapter "Significasti,"...

[*Latin ed. p. 387*]

Saint Montana Mota 387, concerning the one who entered into marriage, care must be taken lest the marriage be contracted under duress, even though all authors admit that if there is duress: a) it must be grave; b) it must be unjust on the part of the person exerting the force, either in substance, or at least in the manner; c) it must have been imposed from an external cause by a free cause; d) it must have been consulted, in order to extort marital consent from a specific person, or from one chosen from among many, which impedes the validity of the marriage; and even if the fear is reverential, or imposed by a person in whose power the betrothed are (provided also that this is grave), nevertheless, if none of these things is proven to be present in the case, then in no way can duress be admitted as an impediment. After having carefully and diligently considered all of these things, We, the undersigned Auditors sitting for the Tribunal, and with only God before our eyes, invoking the name of Christ, do decree, declare, and definitively sentence, answering the proposed doubt: Negatively, that is, it does not appear that there is nullity of the marriage in the case. We condemn the plaintiff to all judicial expenses. Furthermore, We command the Ordinaries of the places and the ministers of the Tribunals to whom it pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the Sacred Canons, especially chapter 3, session XXV, de ref., Council of Trent, using those executive and coercive means which they shall judge to be more effective and appropriate to the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 3rd of January, 1917, Frederick Cattani-Amadori, President. Peter Rossetti. Raphael Chimenti. From the Chancery, of the Holy Roman Rota, Sacred Tribunal, Tani, Notary.

[*Latin ed. p. 388*]

Acta Apostolicae Sedis - Commentarium Officiale 388. COMMISSIO SPECIALIS R. P. CARDINALIUM VERSALIEN. DE NULLITATIBUS MATRIMONII.

Die 29 Februarii, anno 1908, coniugium initit in facie Ecclesiae cum P.-D., sed consuetudo matrimonialis post breve tempus perturbata fuit. Mulier enim sibi proposuerat non nubere nisi viro qui labe contubernii esset immunis, et hoc aperte pluries sponso sub conditione proprie dicta declar-

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averat, qui vice sua sub fide honoris iterum iterumque afirrmaverat se labe contubernii esse exemptum. Post quindecim dies vix a contractis nuptiis, in itinere nuptiali et pluries deinceps, vir patefecit mulieri aliisque se amasiae adhaesisse et adhuc corde adhaerere. Hinc gravia iurgia habita sunt, hinc sententia separationis favore mulieris a tribunali laico lata fuit mense Martio anni 1909.

Anno 1910, mulier se sistit coram iudice ecclesiastico, instans ut suum matrimonium nullum declararetur ex capite conditionis appositae et non impletae. Plures sententiae latae fuere actrici contrariae, quibus illa haud acquievit, sed Summum supplicavit et obtinuit ut Commissioni quinque Eminorum Patrum novum examen suae causae deferretur.

Die 2 Augusti currentis anni, adstantibus EE. PP. De Lai, Pompili, Gasparri, Giustini et Lega ad id deputatis, responsum prodiit matrimonium in casu nullum fuisse ex conditione apposita et non impleta.

Certe, si 1° mulier suum matrimonialem consensum subordinabat conditioni proprie dictae, quod vir labe contubernii in sua anteacta vita fuerit immunis; si 2° haec conditio ante initum matrimonium nec revocata fuit nec alio modo cessavit; si 3° demum anteacta viri vita labe contubernii revera infecta fuit, matrimonium est irritum ex defectu consensus ob appositam et non impletam conditionem; et in hoc omnes uno ore conveniunt. Quamquam enim error qualitatis, etiam dans causam contractui, matrimonium irritum per se non reddit, quia matrimonialem consensum minime excludit, si tamen error cadit in qualitatem, conditione proprie dicta et usque ad matrimonii celebrationem perseverante, requisitam, deficiente qualitate, et consensum eidem subordi-

[*Latin ed. p. 389*]

It is evident that in 389 cases, the marriages examined lacked a special condition, and therefore, lacked the essential quality for a valid marriage. Therefore, these three questions, which are matters of fact rather than of law, must be examined to determine whether, in this case, the marriage is valid or not. First, let us see if the woman gave her consent under the condition properly so-called, that the man was free from the stain of concubinage. A condition properly so-called is understood to be one in which a party, by a clear act of will, has attached their consent to the existence of a certain quality, so that if that quality is lacking, the consent, which is subordinate to that quality, must also be lacking. Now, from the records, it is clear that the woman had a conversation with the man before the betrothal, in which she declared her intention in the following words: "...I subordinate my consent to the assurance that he had not had any previous relationships... three times I formally expressed my will not to marry a man who had previously had a relationship... I wanted to subordinate my consent doubly... I made it an absolute condition of my consent to my marriage that the man I would marry had never had relationships. My con-

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dition, although not renewed, remained nevertheless always as absolute, as vivid... I did not renew this condition, finding that having formulated it so clearly, I could not say more. Mr. D. P. had, moreover, so well understood that I was making it a *sine qua non* condition of my consent, that he did not dare to deny it in the interrogation." The woman made these declarations of her intention, and she recounted them to several trustworthy witnesses, at a time when there was no suspicion, so that there is no reason to doubt the fact of the conversation and the declarations made therein. Indeed, these declarations clearly contain a condition properly so-called; and, in fact, the witnesses who heard these declarations understood them to refer to a condition properly so-called. Therefore, before the betrothal, the woman did not merely inquire about the man's past life, as is often the case, but declared that her consent was explicitly subordinate to the man's freedom from the stain of concubinage. But it is not enough that the condition properly so-called was stated; it is also necessary that it was not revoked, nor terminated in any other way, before the marriage. First of all, it cannot be said that the woman positively revoked the condition. For a revocation is an act, and acts are not presumed but proven; but no revocation has been proven, indeed, the records rather suggest the contrary: "...but my condition, although not renewed, remained nevertheless always as absolute, as vivid... I did not..."

[*Latin ed. p. 390*]

390 Acta Apostolicae Sedis - Commentarium Officiale: "renovated this condition, finding that, having so clearly formulated it, 'I could not say more.' It does not follow that the condition itself ceased to be valid simply because a woman acquired certainty through a false assertion of the man, that she was thereby immune from concubinage. For the woman imposed the condition before the man's assertion, and therefore before the acquired certainty; the subsequent certainty, however, in no way destroys the condition previously imposed, but the consent remains subordinate to it, notwithstanding the subsequent certainty, which may be simultaneous with a conditionally expressed will."

"It remains to be investigated whether the man truly considered concubinage to be a life before marriage. The man himself, as mentioned above, told his wife that he had maintained concubinage relationships with a certain woman, and indeed for twelve years, adding: 'No matter what you do in the future, you will never erase the memory of twelve years of happiness that my girlfriend gave me. My mother is first in my heart, my girlfriend comes next, and you after. I will be faithful to you unless I meet my girlfriend.' These words of the man were recounted by the woman to her mother, the mother of the bride, and to others whom she had previously informed about the conversation with the groom before the marriage and the condition imposed. Furthermore, if credence is given when she recounted the

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conversation with the man and the condition attached to it before the marriage, then credence must also be given when she recounts the man's confession, unless one wishes to contradict herself. Moreover, these matters are further confirmed by a confession made by the same man to witnesses of unquestionable faith, who testified about this. Finally, in the secular court, the man's admission of concubinage was extracted from the records. Therefore, since the woman, entering into betrothal and marriage, attached her consent to a condition properly called immunity from concubinage in P. D.; nothing in the records proves that this condition was revoked or ceased; and it is evident from the records that the man adhered to his affections; the marriage was not declared null by the Emiss Patribus."

E. LUCIDI, from the Secret Commission.

[*Latin ed. p. 391*]

The Supreme Sacred Penitentiary Tribunal, 391.

THE SUPREME SACRED PENITENTIARY TRIBUNAL OF MONTIREGALE.

IN THE SUBALPINE REGION.

APPEAL FOR RESTITUTION IN INTEGRUM.

Thursday, June 27, 1918.

In this ordinary session held in the offices of the Most Reverend and Most Eminent Lord, Michael, Cardinal of the Holy Roman Church, Prefect of the Supreme Tribunal, among other matters, the appeal of the Reverend Father Joseph Ajmo against the sentence or decision of this Supreme Tribunal, issued on March 23, 1912, in the case of Montisegalen, concerning Restitution in Integrum and Rights, was reviewed, with the aim of obtaining a declaration of nullity or circumscription of the aforementioned sentence, or, failing that, restitution in integrum.

However, after careful consideration of all matters, the appeal appeared to be without a valid legal basis, and a decree was issued by the Most Reverend Prefect, in accordance with canon 30 of the Proper Law, stating: "Negatively to both." Furthermore, a decree was added to extend the brief decision.

The decision in question is as follows:

1. By a Papal Bull, dated October 22, 1894, to which was added, on July 16 of the following year, civil recognition or royal approval, the canonry of "Viotti-Grosso" in the cathedral church of Montisegalen was assigned to the Reverend Father Joseph Ajmo, with the prior consent required by the

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statutes of foundation. He subsequently relinquished this canonry of his own accord on January 7, 1900, having obtained the parish of Garassone.

In the same year, namely 1894, in which he obtained the canonry, he began to deal with the Royal General Economy of Torino, in order to have assigned to him the revenues and distributions that had flowed since the beginning of the year 1872, and which had accumulated in the hands of the Royal Economy, during which considerable period of time, due to the lack of civil recognition of the previous appointment to the canonry, the same canonry had been vacant in civil law, held by the Reverend Father John Lanza, who was civilly a canon.

However, the Reverend Father Ajmo was forced to renounce the revenues of the canonry, because the Economy, claiming that these revenues belonged to it by right, absolutely refused to restore them. Regarding the distributions, which, according to the statutes of foundation, amounted to three-quarters of the total accumulated sum, he, after unsuccessfully pursuing an administrative remedy, on July 3, 1899, brought a case before the secular Tribunal against the Economy itself.

While the dispute was pending, a meeting was held, and...

[*Latin ed. p. 392*]

392 Acta Apostolicae Sedis - Official Commentary, article 14, concerning the disposition of the tables, where it is read: "the general clause 'a riserva' [reserved] does not exclude certain rights which the Chapter might obtain." Therefore, the Chapter requested that the canon Ajmo intervene in the matter, in order to defend the Chapter's rights; which he easily obtained through a Chapter act of September 6, 1899. Then, the matter was concluded by an agreement between the Oeconomatum [treasury] and the canon Ajmo, by virtue of which the former obligated himself to pay the canon Ajmo the sum of 12,000 livres, and the canon Ajmo, in turn, obligated himself to relieve the R. Oeconomatum from any annoyance or claim on the part of the Chapter. In the Chapter meeting of March 23, 1900, the sac. Ajmo, who in the meantime had become the parish priest of Carcassonne and had relinquished his canonry, after presenting this agreement to the Chapter, declared and obligated himself to pay whatever sum the Chapter might demonstrate as being due in relation to the aforementioned sum; based on this declaration, the Chapter gave its consent to the agreement in writing, and also appointed three Chapter delegates to negotiate with the aforementioned sac. Ajmo regarding the rights, perhaps, pertaining to the Chapter concerning the aforementioned matters.

2. Subsequently, the records are silent, until in 1904, a petition from the Chapter, transmitted through the Bishop of Monts Regal, was presented to the Sacred Congregation, requesting that the Sacred Congregation deign to determine what portion of the aforementioned sum of 12,000 livres might pertain to the Chapter, and thus to order the canon Ajmo to pay that deter-

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mined amount. After the matter was examined, the same Sacred Congregation, in a plenary session on August 22, 1908, responded: "Half of the sum of 12,000 livres is to be allocated to the Cathedral Sacristy, and that sum is to be paid by the canon Ajmo, in annual installments to be determined by the Bishop." However, the sac. Ajmo refused to comply, insisting that the matter be reconsidered, and that, having obtained a full restoration, it be examined again in this supreme Tribunal.

- With the Most Sacred Prince graciously agreeing to refer the question to the Apostolic Signatura, with the necessary and appropriate powers to examine both the matter of full restoration and the merits of the case, the matter was thoroughly examined in the Plenary Signatura on March 23, 1912, with the Reverend and Most Reverend Father Francis Cardinal Cassetta as the relator, and with the following questions proposed: 1) Whether there is a place for full restoration in this case, and if so, to what extent; 2) Whether the canon Ajmo has the right to retain the sum in this case, or rather, is he obligated to pay it to the Chapter. The Most Eminent Fathers responded: To 1) Negatively; to 2) Provisionally, as stated in the first; the canon Ajmo is condemned to pay the costs.

3. An appeal was filed against this judgment, seeking to have it declared null and void, as it was vitiated by a substantial error. This substantial defect, the appellant claimed, was found in the following:

[*Latin ed. p. 393*]

The Supreme Sacred Apostolic Tribunal, in its judgment of 393, used the following words to describe the canonical status of the Viotti-Grosso benefice, under the predecessor, Canon Lanza: "On January 6, 1871, the canonry became vacant, and, due to the urgency of the situation, the priest John Lanza obtained it, and he was duly installed into possession of the same benefice according to canon law. However, since this canonry was outside the number of twelve benefices that civil authority recognizes, the Civil Government refused to grant its "Royal Approval" to the bishop's grant of the benefice. Therefore, Canon John Lanza never participated in the choir," etc.

Furthermore, the appellant argues that these three assertions do not correspond to the truth: for it is evident from the records that Canon Lanza never requested a "Royal Approval" from the year 1872 to the year 1894, and therefore, there was not even an opportunity for the Government to refuse it; there is also in the records a declaration by the General Economus, worded as follows: "It is declared from the records of this General Economus that the Viotti-Grosso canonry is one of the canonries legally preserved in the Cathedral Chapter of Mondovi"; and finally, and more importantly, it is evident from the records that Canon John Lanza was never present in the Monti Regali Chapter, and much less did he canonically take possession of his benefice.

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This last error, the appellant continues, has a profound and substantial influence on the disposition of the judgment: for if Canon Lanza once took possession of his benefice, then it cannot be said to be vacant, neither in law nor in fact; and all distributions made in the absence of the canonically present canon must undoubtedly have been received by the Chapter, which was legally entitled to accrue them, either according to common law, so that it is not permissible to reclaim them, or according to special law, namely, the Constitutions of the Chapter, and the foundation tables: there, n. 11: "That if the Canon, for the time being holding the Canonry... is absent... for more than two months without any legitimate cause... in this case, the distributions... are ceded and belong to the benefit of... the other Canons."

But on the contrary, since the canon never took possession, the benefice should be considered vacant, at least in fact: and this is most clearly confirmed by the practice of the Apostolic Datary, which, in the case of a grant of a benefice, even one made by itself, does not consider it valid unless it is followed by canonical possession, but rather it usually grants the benefice "as if it were vacant." But the distributions of a vacant benefice, in this case, are reserved to the successor, according to the foundation tables: there, art. 14: "That the Chapter has the right and benefit of four months to make these appointments whenever the canonry becomes vacant, during which three months the revenues from the distributions are ceded to the benefit of the appointed canon."

Therefore, the crux of the entire controversy lies in whether Canon Lanza, the predecessor of the Reverend Ajmo, took possession of his benefice or not.

[*Latin ed. p. 394*]

394 Acta Apostolicae Sedis - The Official Commentary, and if it contains an error, embracing the affirmative part, it concludes that it must be declared invalid due to the same substantial defect. 4. However, these objections are easily refuted because they lack a solid foundation. Firstly, the interpretation of the aforementioned article 14 is in no way acceptable, as it has already been refuted in the preceding discussion, in which it was abundantly demonstrated that it is clear to the reader that the words "in" and "mentre" do not represent what immediately precedes them, namely "ogni qualvolta che il canonicato verrà a vacare" (these words do not require any subsequent consequence, since they are themselves a complement, and entirely necessary to those that precede them, "per fare la detta nomina"); but rather they represent what was placed further back, namely "il tempo "di quattro mesi". This interpretation of the previous judgments is not supported by any solid argument, nor even by a new one, and therefore it is to be rejected. Therefore, even granting, not conceding, that Canon Lanza did not take possession, and therefore the benefice was vacant, it would not yet be established that the successor had a good right to the

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distributions, during the vacancy, except for the first four months. 5. As for the taking of possession, it should be noted that there is a document in the records which proves that this was carried out, although not in a formal chapter meeting. This document, signed by the Bishop of Montiregale, along with the canon chancellor Ramorino, states: "You, A. R. D. Ioann Lanza, present and accepting, in true, real, and actual possession of the aforementioned Canonry, with the annexed rights and appurtenances, we have placed, sent, and induced you, and we place, send, and induce you, in your presence, with this instrument, a stall for you in the choir, a place and a voice in the chapter of our Cathedral Church... granting you the full extent of canonical right... In witness of all of which, and as a testimony of each individual, we have ordered that these our words be confirmed by our own hand and reduced to a public instrument, and that they be made and subscribed by our undersigned Chancellor, and sealed with our seal. Given, etc.... in the presence of the Most Reverend Joseph Martini, canon of the Cathedral Church, and witnesses, who were called and questioned, and who attest to all of the above." 6. Indeed, as the Doctors unanimously teach, in the celebrated chapter Si Capitulo de concess. praeb., 1. III, tit. VII in 6°, although it is true that possession must be taken in a chapter meeting, and that otherwise it is not valid, the case must be excepted in which the Chapter itself provides an impediment, so that it is not taken. Thus, the renowned De Luca: "It is the rule that possession must be taken in a chapter meeting, and that otherwise it is not valid, except in the case in which the Chapter itself provides an impediment, so that it is not taken."

[*Latin ed. p. 395*]

The Supreme Apostolic Tribunal, 395, states: "Unless the lack of the aforementioned Chapter is present, which, 'having been legitimately summoned to convene, refuses to do so, or artificially avoids it,' in such a case, the rule is certain that it suffices to take possession in any way possible, even if not canonically' (The Common Doctor, vol. III, book 12, chapter 20, number 2); Barbosa: "This resolution is limited in three other ways: 1) when there is a custom of not taking canonical possession; 2) when the Chapter, without urgent reason, refuses to hand over possession, because in that case, it is considered to have been taken canonically, as if it had been done canonically; Beltram, ad Greg. XV, decision 364, number 7: 'Indeed, the alleged conclusion is true... And whenever there is some impediment by which canonical possession cannot be obtained, it suffices if it is acquired otherwise... as has been decided in other decisions in Nullius Praeposit. Castri Durantis, before the Most Reverend Rambaldo, July 4, 1623: 'And in ecclesiastical matters, possession is considered to have been given where there has been a presented impediment arising from an appeal to lay judges' (De Can. et dign., chapter XV, number 10 and following)." Monacelli: "Canonical possession, however acquired, even

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if not canonically, is maintainable, when the Chapter denies or prevents the taking of possession without just cause" (Formul., page III, title 3, form 10, note 4. Cf. Bouix, De Capit., Part I, section IV, chapter X, page 188); this doctrine is readily embraced and expanded upon by the Code of Canon Law, canon 1442, which states that, in the case of an impediment, a dispensation obtained in writing from the Bishop is equivalent to the possession itself. It seems to cause no ambiguity that the Bishop himself could have validly transferred this possession, even if not canonically: "Generally, he who has the right to confer a benefice also has the right to transfer possession" (Devoti, Inst. Can. 1, title 14, lecture V, § 36); indeed, in letters of collation, the Bishop's mandate to admit someone to possession is often expressed in these terms: "Therefore, we fully entrust N. N. with the task, and delegate our authority to him, so that he may receive you into the canonical order of that Church, assign you a stall in the choir, etc." Cf. also the form of the deed from Monacelli, loc. cit.: "and for the real possession, by our authority, through the Reverend Archdeacon to whom we entrust our authority, we command that you be admitted." However, it is undoubtedly possible for someone to do through himself what he can do through another. 7. Therefore, in our case, in order to establish that Canon Lanza has obtained full, canonical, and maintainable possession, it remains only to demonstrate from the records that there was an impediment that prevented him from obtaining possession canonically, or that such impediment was presented or opposed by the same Chapter. But irrefutable evidence of this matter has been provided by the petitioner himself, in the new documents presented, citing a decree of the Sacred Congregation of May 2, 1874.

[*Latin ed. p. 396*]

396 Acta Apostolicae Sedis - Commentarium Officiale (while Lanza obtained possession on June 20, 1871), in which it was determined "considering the particular circumstances, with prior dispensation from the customary forms of possession, the reception in the Choir, given the current greater number of Canons, should take the place and be considered as formal possession for all legal purposes," provided that this was documented at least in secret records; in the prayers preceding this decree, the following is read: "The Bishop of Mondovì reports that four ecclesiastics, at various times after the seizure of the Church's property (August 15, 1867), were invested with all the forms required by the sacred canons, with four prebends belonging to the cathedral chapter. However, they were unable to obtain (from the Chapter) possession of their respective prebends, because this would have been considered a violation of the law, and the canons who had granted possession would have incurred a penalty, because the new prebendaries had not obtained the H. Placet." All of this is easily verified from public documents: it is well known that, according to law of August

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15, 1867, no. 3848, "for the liquidation of the ecclesiastical assets," article 6 states: "The prebends of the cathedral churches will not be filled beyond the number of 12"; and also, according to law of August 11, 1870, no. 5784, appendix P, "the prebends in the cathedral churches that exceed the number of 12 must be considered suppressed"; but furthermore, attention must be paid to article 270 of the Sardinian penal code of 1859, which was still in force at that time: "Any violation of the rules regarding the necessity of the Government's consent for the publication or execution of measures relating to religion... shall be punished, according to the circumstances, with imprisonment extendable to six months, or with a fine extendable to L. 500." 8. From these facts, taken together, it becomes evident that, from the year 1867 to the year 1874, the Chapter of Monti Regali completely refrained from granting possession capitularly to newly appointed canons, fearing the aforementioned penalties, until there were still 12 canons remaining; in this case, it is certain that the provision made in favor of Canon Lanza also fell under this circumstance. Furthermore, it is certain that this impediment, although indirectly or mediately caused by another party, was imposed by the lay Government, which had enacted that law; nevertheless, that Chapter acted, and directly and immediately, that Chapter itself carried out or opposed. Therefore, in this case, we are dealing with a possession that is excused by the capitular reception, and any other form of reception is invalid. Therefore, there is nothing to reproach in the requested sentence, which states that "Canon Lanza was duly invested in possession of that benefice, according to canon law"; for, according to the norm,

[*Latin ed. p. 397*]

The Supreme Apostolic Tribunal, number 397, and also those matters which, according to a permitted exception in the law, are to be considered as having been lawfully done. Having established this acquisition of property, as the appellant confesses, the disposition of the sentence itself is irrefutable. Therefore, it seems superfluous to argue further, namely, to assert that the sentence erred in claiming that the canonry was outside the number of twelve recognized by civil law; nor, therefore, could Lanza have feared that the Royal Decree would ever be denied to him. This is merely playing with words. For, while the law prohibits "that canonries be provided beyond the number of twelve," it is manifest that, in the year 1872, when Lanza was instituted, eighteen canonries had already been provided; therefore, that canonry remained "outside the aforementioned number," until its possessor was able and willing to enter that number: which does not prevent, now, after entering the aforementioned number, that benefit being, as declared in 1911 by the Royal Economus, "one of the canonries legally conserved." It is also manifest that he who possessed such a canonry before 1895 could never have hoped that a royal recognition would be granted to him; which is sufficient to prevent the sentence from being

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considered to have erred substantially, since it states that "the Civil Government denied the approval of the papal bull of collation."

9. Therefore, since all and each of the appellant's grievances, after careful examination, appeared to be devoid of a good legal basis, and since it was not demonstrated that there was a defect in competence, or a defect in the mandate required according to the norm of article 4 of the Regulations N. O., column, with canon 1892 of the Code of Canon Law, the sentence should declare nothing, nor should it be evident that justice has been done according to canon 1905 of the Code of Canon Law, so that a new examination of the case could be granted, with prior restitution to the integral state; therefore, the negative response to the appeal was to be rejected in both parts, and it was completely rejected. And thus it was decreed, etc., not only, etc., but also to all, etc.

Given in Rome, in the Seat of the Supreme Tribunal, on this day, Thursday, June 27, 1918.

Ubaldus Mannucci, Voting Member of the Signature.

L. © S.

VISA

Evaristus Lucidi, S. A. S. T., from the Secretariat.

Aloysius Scialdoni, Notary.

[*Latin ed. p. 398*]

Acts of the Apostolic See - Official Commentary 398. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. Tuesday, August 13, 1918. Before the Most Reverend and Most Illustrious Cardinal Vincenzo Vannutelli, Promoter of the Cause of Beatification, that is, the declaration of the martyrdom of the Venerable Servants of God, Matthias Marumba, Charles Luanga, and their companions, from "Uganda" in the Apostolic Vicariate of Northern Nianza in Central Africa, the Preliminary Congregation of Sacred Rites was held; in which the Reverend Prelates and Theological Consultors discussed the doubt concerning the martyrdom and the cause of the martyrdom, signs or miracles of the aforementioned Venerable ones, who were killed, as it is asserted, out of hatred for the faith.

SECRETARY OF STATE. BY PAPAL LETTERS, the Holy Father deigned to appoint:

August 3, 1918. The Most Reverend Cardinal Donato Sbarretti, Protector of the Augustinian Nuns, Servants of Jesus and Mary.

August 6, 1918. The Most Reverend Cardinal Gaetano De Lai, Protector of the Collegiate Church of Saints Paolino and Donato in Lucca.

August 17, 1918. The Most Reverend Cardinal Raffaele Merry del Val, Protector of the Congregation of the Sisters of Charity of Saint Charles of Nancy.

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By Apostolic Briefs, the Holy Father deigned to appoint:

April 18, 1918. Monsignor Pietro E. Blessing, of the diocese of Providence, as Apostolic Protonotary, with the same privileges as those who participate.

July 24, 1918. Monsignor Luigi Testi, of the diocese of Sarsina, as Apostolic Protonotary, with the same privileges as those who participate.

August 22, 1918. Monsignor Raffaele Canale Oberti, of the diocese of Santa Fé, as Apostolic Protonotary, with the same privileges as those who participate.

[*Latin ed. p. 399*]

From the Roman Curia Diary:

Domestic Prelates of His Holiness: 18, 24, 30, 9, 16, 21 April 1918.

Monsignor Carlo C. Duray, of the diocese of Providence.

Monsignor Alfonso Arrigoni, of the diocese of Sarsina.

Monsignor Domenico Ruffinatto, of the archdiocese of Turin.

August.

Monsignor Francesco Todisco, of the diocese of Bisceglie.

Monsignor Aniceto Ferrazza, of the diocese of the Marsi.

Monsignor Clemente Micara, Auditor of the Apostolic Nunciature in Vienne.

HONORS:

With Apostolic Briefs, the Holy Father deigned to bestow the following honors:

August 27, 1918.

The Order of Saint Gregory the Great, Class Civil, with Plaque:

To the Reverend Monsignor Pietro Giuseppe De Rada y Gamio, Secretary of the Legation of Peru to the Holy See.

The Order of Saint Gregory the Great, Class Civil:

August, 1918.

To the Knight Domenico Mordaccbihi, of the diocese of Sutri.

To the Knight Vincenzo Cavalletti, of Rome.

Knighthood of the Order of Saint Gregory the Great, Class Civil:

July 30, 1918.

To the Reverend Umberto Gazzetti, of the archdiocese of Bologna.

August.

To the Advocate Adolfo Negretti, General Secretary of the "Niccolò Tommaseo."

To the Knight Antonio Guglielmo van Thiel, of the diocese of Bois-le-Duc.

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The Commendatore of the Order of Saint Gregory the Great, Class Civil: August 7, 1918.

To the Count Francesco Bezzi Scali, Cadet of the Noble Pontifical Guard.

To the Count Filippo Aluffi Pentini, Cadet of the Noble Pontifical Guard.

To the Count Stanislao de Witten, Cadet of the Noble Pontifical Guard.

To the Count Filippo Sarazani, Cadet of the Noble Pontifical Guard.

To the Commendatore Pietro Mencacci, Cadet of the Noble Pontifical Guard.

To the Count Enrico Paolini, Cadet of the Noble Pontifical Guard.

[*Latin ed. p. 400*]

Acta Apostolicae Sedis - Official Commentary 400: The Knighthood of the Order of St. Sylvester, Pope: July 29, August 8 » » 1918. To the Reverend Doctor Peter John Kintz, of the diocese of Harlem. » To the Reverend Nicola Pabeff, of the archdiocese of Skopje. » To the Reverend Paul Medici, of Rome.

HOUSEHOLD OF HIS HOLINESS:

With the letters of His Eminence, the Reverend Monsignor, the Household Prefect, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness: 6, August 23 » » » 1918.

Monsignor Alfred Sperling, of the archdiocese of Birmingham.

Monsignor Polydoro Justin Stockman, of the diocese of Monterey-Los-Angeles.

Monsignor Patrick J. Fisher, of the same diocese.

Honorary Chamberlains in purple vestments of His Holiness: 12, August 23 » 1918.

Monsignor George Dorangrichi, of the diocese of Monreale.

Monsignor Giuseppe Neri, of Rome.

Honorary Chamberlain of Sword and Cape, extraordinary, of His Holiness: 6, August 1918.

The Reverend Raimondo de Leonarte, of the archdiocese of Valencia.

[*Latin ed. p. 401*]

Year X - Vol. X, October 1, 1918, No. 10.

ACTA APOSOLICAE SEDIS, Official Commentary.

ACTA OF POPE BENEDICT XV.

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APOSTOLIC LETTER.

LETTERS CONCERNING THE ERECTION OF A CONCATHEDRAL IN RECIFE, BRAZIL.

BENEDICT, Bishop, Servant of the Servants of God, for the perpetual memory of the matter, declares:

Since the city of Recife in Brazil, both in terms of its population and its commerce, and also in its political authority, as the supreme seat of the civil government of Pernambuco, is easily the leading city in that State and in the Olinda archdiocese, and for these reasons, the venerable Archbishops of Olinda have for a long time considered it opportune and necessary to establish their residence in that city, which is located near the Olinda city, and to have the majority of the canons reside there as well: it has been deemed expedient that this condition, which is already in effect, be confirmed by some canonical provision and be ratified.

Therefore, adhering to the wishes of the Most Reverend Brother Sebastian Lerne da Silveira Cintra, the current Archbishop of Olinda, to which the support of the Most Reverend Brother, the Apostolic Nuncio in Brazil, has been added, after consultation with the Sacred Congregation of the Consistory, We decree and ordain that the Church of Saint Peter in the city of Recife be elevated to the rank and dignity of a Concathédral, so that the Archbishop of Olinda may be able to perform the sacred pontifical functions there, as circumstances permit.

ACTA, Vol. X, No. 10. - October 1, 1918.

[*Latin ed. p. 402*]

The Acts of the Apostolic See – Official Commentary, as well as in the Metropolitan Church of Olinda, and there also reside, together with the canons of Olinda, who, in the Cathedral of Saint Peter, as in the old Metropolitan Church of Olinda, for a suitable time, may convene and perform the sacred functions, according to the manner to be determined by the agreement of the present Archbishop. The Archdiocese will henceforth be called Olinda and Recife. These matters, moreover, which are decreed by Us with apostolic authority in these letters, are to be observed, and no man, at any time, shall be permitted to infringe them, or to oppose them, or to contradict them in any way, under pain of penalty. If anyone, may God prevent it, should presume to attempt this, let him know that he will be subject to the penalties prescribed by the sacred canons against those who obstruct the exercise of ecclesiastical jurisdiction. For the execution of all these things, We appoint the venerable brother Hyacinth Angel Scapardini, titular Archbishop of Damascus, and Apostolic Nuncio in the Brazilian Republic, and We grant him the necessary and appropriate powers, including the power to delegate, to another man of ecclesiastical

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standing, for the purpose in question, especially the Archbishop of Olinda himself, and also definitively to decide upon any difficulty or opposition that may arise in the act of execution, with the obligation of transmitting, within six months, a faithful and authentic report of the absolute execution of this Our mandate to the Sacred Congregation for the Consistory, so that it may be preserved in the archives of that same Congregation. Finally, We declare that these present letters are valid, notwithstanding any contrary provisions, even those deserving of special and express mention. Given at Rome, at Saint Peter's, in the year of Our Lord nineteen hundred and thirty-seven, in the fourth year of Our Pontificate.

O. CARD. CAGIANO S. B. E.

Chancellor.

Ludovicus Schüller, Apostolic Prothonotary.

Leopoldus Capitani, Substitute Registrar, by special delegation.

Registered in the Apostolic Canons, Volume XVII, number 18.

[*Latin ed. p. 403*]

ACTS OF POPE BENEDICT XV, 403. APOSTOLIC LETTERS. RESTORATION OF THE ABBOTY OF THE ABBEY OF OTTENBUEREN OF THE ORDER OF SAINT BENEDICT, TO ITS OWN JURISDICTION. BENEDICT XV. For the perpetual memory of the matter. — It is most clearly established that the ancient monastery of Ottenburan, commonly called Ottobeuern, dedicated to the holy martyrs Alexander and Theodore, of the Order of Saint Benedict, situated within the boundaries of the diocese of Augustana in the province of Swabia, in the present kingdom of Bavaria in Germany, was founded in the year of the restoration of salvation, 764. Indeed, it is known that this monastery flourished with more than a thousand souls, devoted to the service of religion, the study of souls, the abundance of sciences, the adornment of the arts, the education of youth, and the vigor of discipline; and that, without interruption, more than fifty Abbots have governed it, who, as true spouses and fathers of the monastic family, even in the most difficult times of the state and the Church, faithfully preserved the Catholic faith and the spirit of the venerable Father Benedict. After, however, the most terrible storm arose, and in the year 1802, the monastery of Ottobeuren was also suppressed by civil authority and subjected to the kingdom of Bavaria; we are not ignorant that, with the consent of the Bishop of Augustana, those monks persevered in the same religious house in the monastic life, despite the difficulties of the times. And indeed, until the year 1807, it was governed by their Abbot, Paul Ait, who had previously presided over the monastery before its suppression; and after his death, he was succeeded by Father Maurus Tyerabeud, from the General Vicariate of the Bishop of Augustana, who, after his death on

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March 7, 1818, was succeeded in the government of the monastery by Father Willibald Staader. When, however, the same Father Staader returned to the path of all flesh in the year 1831, only one priest, Father Basil Miller, remained alive in the ancient monastery, until the happy arrival of a new group of monks, which occurred in the year 1835. In the meantime, in the year 1831, the most munificent King Lewis I of Bavaria, having previously entered into an agreement with this Holy See in the year 1907, restored the monks of the Order of Saint Benedict in Bavaria, and assigned to them the monastery of Saint Stephen in the city of Augustana, as well as the buildings of the ancient monastery of Ottobeuren. With the authority of the same King Lewis I and the insistence of Ignatius Albert de Riegg, the Bishop of Augustana, Pope Gregory XVI, our predecessor, by Apostolic Letters dated May 19th.

[*Latin ed. p. 404*]

404 The Acts of the Apostolic See – Official Commentary for the year 1835 states that the aforementioned monastery of St. Stephen in Augsburg was erected into a monastery of the Order of St. Benedict, and Barnabas Stuber, already a monk in Ottenburg, was appointed as its Abbot. Furthermore, Our Predecessor granted to this Abbot of St. Stephen and his successors in office, in perpetuity, the right to use pontifical insignia and all other rights, privileges, and indulgences, freely and lawfully, just as the Abbots of the monastery of Ottenburg could legitimately use and enjoy them. Since no mention was made in the aforementioned Apostolic Letters of the ancient monastery of Ottenburg, it has remained to this day a simple priory, in which reside at present five priests and sixteen lay brothers, all members of the Augustinian monastery of St. Stephen, under the authority of a cloistered prior who is entirely dependent on the Abbot of Augsburg. However, we are informed at this time that, thanks to favorable circumstances, things have changed for the better, so that nothing seems to stand in the way of the ancient monastery of Ottenburg being re-established as a monastery under its own jurisdiction. Indeed, the church of Ottenburg, which rightly ranks among the most celebrated and magnificent in all of Germany, still stands firm, along with the large ancient monastery that it contains, and shows no signs of decay; and although the buildings themselves are the property of the civil government of the Kingdom of Bavaria, nevertheless, King Ludwig I of Bavaria granted the monks of St. Benedict the free use of the church and monastery in perpetuity. Furthermore, he provided a suitable endowment to properly maintain the monastic community, including lands and other assets, and the revenues derived from them. We hope that many of the religious men who are already residing in the aforementioned monastery will establish a permanent residence there, and that a large number of young men, distinguished by their fervent faith, from neighboring provinces, will hasten to join the same monastery after it

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has been canonically re-established. In addition to these things, the entire collegiate body of St. Stephen, as well as the esteemed Abbot Sigibertus Liebert of Schaeften, President of the Bavarian Congregation of St. Benedict, together with the other prelates of that Congregation, and also the venerable Abbot Maximilian de Lingg, Bishop of Augsburg, and indeed even Our most beloved son in Christ, the renowned King Ludwig III of Bavaria, are most strongly in favor of and applaud the salutary project of restoring the monastery of Ottenburg. These sentiments were recently brought to Our attention by Our esteemed son, the current Abbot of the monastery of St. Stephen in Augsburg, of the Order of St. Benedict; and We, for whom there is nothing more pleasing than to see the ancient and glorious monuments of the Catholic religion restored to their former splendor, are most willing to approve of these proposals.

[*Latin ed. p. 405*]

Acta Benedicti PP. XV, 405, and again. Therefore, after having consulted with the Most Reverend Fathers, Cardinals of the Congregation entrusted with matters pertaining to Regular Canons, by Our Apostolic authority, in the presence of these witnesses, and forever, We establish the following:

I. We restore the Abbey of Ottobeuern with all its former rights and privileges, and We unite it as an Abbey with its own jurisdiction to the Congregation of St. Benedict in Bavaria, and We make it a participant in the privileges and favors granted to said Congregation, with all rights, privileges, and indulgences reserved that were granted perpetually to the Abbots of St. Stephen by the Apostolic Letters dated May 19th of the year 1835.

II. We entrust the full administration of the Abbey of Ottobeuern, thus restored by Us, together with the appointment of the cloistered Prior and all other rights pertaining to the governance of the Abbey, to the Abbot of the Monastery of St. Stephen in Augsburg of the Order of St. Benedict, and to his legitimate successors in the aforementioned Abbey of St. Stephen, as Apostolic Administrators, until such time as the religious community of the Abbey of Ottobeuern, with God's favor, shall experience such growth that a proper Abbot can be appointed to preside over the newly established Abbey.

III. The Abbey of Ottobeuern, for the period of time during which it is administered by the Abbot of St. Stephen, shall be obligated to send to the General Chapter of the Congregation of St. Benedict in Bavaria, with full right to suffrage, in addition to the canonically elected representatives, another monk to be nominated by the aforementioned Abbot. For, according to the regulations of the Congregation of St. Benedict, it is determined that, in addition to the canonically elected representatives, a Superior should be called to the Chapter from each monastery with its own jurisdiction. Since the Abbot of St. Stephen will participate in the Chapter representing the parts of his own Abbey, it is fitting that another religious man, representing

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the Superior of the Monastery of Ottobeuern, should attend the Chapter and give his vote there.

IV. We entrust to the Abbot President of the Congregation of St. Benedict in Bavaria, and to him who, according to the statutes of the Congregation, performs the duties of the President when the latter is hindered, the installation of the Abbot of St. Stephen as Apostolic Administrator in the Abbey of Ottobeuern. And We also decree that this Abbot, as administrator, when he judges that the opportune time has arrived, and that all things prescribed by the sacred canons are present, shall relinquish the administration and shall appoint the first Abbot of Ottobeuern, after hearing the vote of the Chapter, and after matters have been properly arranged with the regional government, and shall present the appointed individual to this Holy Apostolic See for proper confirmation.

V. Finally, We grant to the Abbot of St. Stephen the faculty to assign to the Abbey thus restored, those whom he judges to be suitable, whether from among the monks and converts of the former Abbey of Augsburg, or now Augsburg, or who already reside in the monastery of Ottobeuern.

[*Latin ed. p. 406*]

406 Acta Apostolicae Sedis - An official commentary, nevertheless, so that, having elapsed five years since the restoration of the Ottenburana Abbey, the aforementioned document may either establish a stable seat for the aforementioned Abbey in Ottenburana, or, if they so wish, return to their own Augustinian Abbey. These things we decree, we command, we ordain, declaring these present letters to always exist and remain, and to have and obtain their full and complete effect, and that the aforementioned Ottenburana Abbey, thus restored by Us, will be fully supported now and in the future: and that it shall be rightly judged and defined, and that whatever may be attempted in this matter by anyone, knowingly or unknowingly, shall be declared void and of no effect from this moment forward, notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and all other Constitutions and Apostolic Ordinances, and all other things, whether specifically mentioned or individually deserving of mention, which may be contrary to this. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the eleventh day of July, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

n. RESTORATION TO THE ABBEY OF THE MONASTERY OF CIRICIENSIS OF THE CISTERCIAN ORDER IN THE DIOCESE OF TARNOVIENSI. BENEDICT XV. For the sake of future remembrance. — It is indeed known that the monastery of Ciriciense, commonly called Szezyiziic, of the Cistercian Order, in the diocese of TarnÃ³w, has been an Abbey since its foundation, namely, in the year 1244, and that Abbots have presided over it continuously for years until the year 1734. In that

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very year, after the Abbey's goods had been seized unjustly and publicly, the monks were driven from their ancient seat and went to another Abbey of the Order, until, in the year 1865, after a portion of the goods had been happily redeemed, the religious men returned to the old monastery of Ciriciense. From that time until the present, the convent has been governed by Regiaries (Priors). Now, however, when the beloved son, Theodore Magiera, Regiarius, has humbly addressed Us in his own name and in the name of all his students, requesting that the title of Abbey be restored to the aforementioned monastery by Us; We, knowing that the affairs of that community have so greatly improved that it seems opportune to consider the matter for a long time and repeatedly...

[*Latin ed. p. 407*]

The acts of Pope Benedict XV, page 407, of the same religious family, having considered the matters that follow, we have judged it necessary to decree the following. After carefully and diligently considering all relevant circumstances, and after consulting with the Most Reverend Fathers and Brothers, Cardinals of the Congregation entrusted with the affairs of Religious Sodalities, by our apostolic authority, and by the force of the present document, we restore to the Cîteaux monastery of the Cistercian Order, located in the diocese of Tarnów, which, as we have mentioned, has always held this title, the title of Abbey, so that the canonical election of an Abbot may proceed according to the statutes of the Order. We decree that these present letters shall always remain firm, valid, and effective, and shall have and obtain their full and complete effect, and that they shall fully support and benefit the aforementioned monastery, now and in the future, restored by us to the status of an Abbey; and that it shall be rightly judged and determined that whatever is contrary to these things, by anyone, knowingly or unknowingly, shall be considered null and void from this moment forward. Notwithstanding our own regulations and those of the Apostolic Chancery concerning legal matters, and all other constitutions and apostolic sanctions, and all other things that may be contrary. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the sixth day of July, in the year 1918, in the fourth year of our pontificate. P. CARD. GASPARRI, Secretary of State.

III PLENARY INDULGENCES ARE GRANTED EVERYWHERE ON EARTH TO THE MEMBERS OF THE SODALITY OF THE HOLY INFANT JESUS UNDER THE TITLE OF PRAGUE.

BENEDICT XV.

For the perpetual memory of this matter.

Having benevolently approved the prayers offered to us by the General Procurator of the Order of Discalced Carmelites, and having received the

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advice of our beloved son, the Most Reverend Cardinal Major Penitentiary, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant to all and each of the members of the Sodality of the Holy Infant Jesus under the title of Prague, throughout the world, who, on the day that the feast of the sodality is celebrated, after having received sacramental confession and being refreshed by the heavenly banquet, devoutly visit their own church, if one exists, or otherwise any public church or chapel, from midday of the preceding day until midnight of the same feast, and there pray for the concord of Christian princes, for the eradication of heresies, and for the conversion of sinners.

[*Latin ed. p. 408*]

408 Acta Apostolicae Sedis – With the aim of fostering devout prayers to God and promoting the exaltation of the Holy Mother Church, We grant, with paternal benevolence, a plenary indulgence for all sins, and the remission thereof, which may also be applied to the benefit of the souls of the faithful detained in Purgatory, as a form of suffrage. Furthermore, considering the convenience of the members of said sodalities, and since in many places the customary exercises of the sodality do not take place on the twenty-fifth day of the month, but on another day, We grant that those sodalities, who attend the exercises on that day, may lawfully obtain the indulgences granted on the twenty-fifth day, provided that they have duly performed the prescribed works of piety in the Lord. Moreover, We grant the faculty of including this Our concession in the summary of the sodality, provided that it has already been duly approved, notwithstanding any contrary provisions. These decrees shall remain valid perpetually in the future. We decree that to these present Letters, or copies thereof, even printed ones, the same full faith shall be given as would be given to the present Letters themselves if they were exhibited or shown, provided that they are signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical dignity or office. Given at Rome, near the blessed Apostle Peter, under the Fisherman's Ring, on the twenty-second day of July, in the year 1918, in the fourth year of Our Pontificate.

P. CARD. GASPARRI, Prefect of the Secretariate of State.

IV. In the city of Ravello, in the archdiocese of Amalfi, a church dedicated to the Blessed Virgin Mary, assumed into Heaven, is erected into a minor basilica with annexed privileges.

BENEDICT XV.

For the perpetual memory of this event.

— In the city of Ravello, within the archdiocese of Amalfi, there stands a church, conspicuous for its antiquity as well as its beauty and grandeur, which was formerly the cathedral, dedicated and consecrated to the honor

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of the Virgin Mary, assumed into Heaven. Adorned with outstanding and varied works of art, with double decoration in marble and stucco for the chanting of the Epistle and Gospel, according to the ancient custom still observed in some churches; and with iron doors constructed in the year 1599, decorated with numerous emblems, figures, and images, crafted by the hands of renowned artists, either sculpted or painted, it shines forth. The episcopal chair, founded in the year 1687 by the Blessed Victor III, is located there and is immediately subject to the Apostolic See.

[*Latin ed. p. 409*]

From the acts of Pope Benedict XV, page 409, and it remained so until the year 1818, and precious fragments still survive, representing the original form of the altar of the basilica. Several relics of saints, indeed of great importance, are religiously preserved in the same church, among which are a bone from the arm of St. Thomas the Apostle, teeth of St. Matthew the Apostle and Evangelist, the head of St. Barbara, virgin and martyr, and also the incorrupt blood of St. Pantaleon, the city's patron, which is seen each year, to the great admiration and devotion of the Christian people who gather in large numbers, to liquefy and flow miraculously. Finally, this church, now recognized as a cathedral, like a public monument, has never ceased to fulfill its ecclesiastical offices and sacred functions, and at present, all these things are properly and devoutly carried out by nine canons and other clergy, along with the appropriate sacred furnishings, also noble, to promote the worship and adornment of the House of God. Now, the aforementioned Chapter, and the rest of the clergy, together with the municipal government and the entire city of Eavello, have humbly implored Us with prayers, so that We might deign to elevate the aforementioned church of the Blessed Virgin Mary, assumed into heaven, to the honor and dignity of a minor basilica. These prayers, together with the most fervent support of the venerable brother Herculanus Marinus, Archbishop of Amalfi, which We gratefully acknowledge, recalling the noble antiquity and memories of that building, We have judged it right to grant, and We do so. Therefore, after consulting with the Most Reverend Fathers, Cardinals of the Congregation for the Preservation of Sacred Rites, by Our apostolic authority, in the present document, and forever, We elevate and honor the church of the Blessed Virgin Mary, received into heaven, within the city of Eavello, in the archdiocese of Amalfi, to the title and dignity of a minor basilica, and We grant to it all and each of the privileges and honors to which the minor basilicas of Our Holy City are rightfully entitled. We decree that these present letters shall always remain valid and effective, and shall have their full and complete effect and obtain it, and that they shall forever be observed by those to whom they pertain, now and in the future, and that in all matters concerning these things, judgment and definition shall be made accordingly, and that anything to the contrary shall be considered

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null and void from this moment forward, if anyone, with any authority whatsoever, knowingly or unknowingly, should attempt to do otherwise. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 31st day of July, in the year 1918, in the fourth year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 410*]

410 Acta Apostolicae Sedis - Official Commentary

ON PLENARY AND PARTIAL INDULGENCES GRANTED PERMANENTLY TO THE FAITHFUL VISITING THE CHURCH OF THE BLESSED VIRGIN MARY OF GRACES IN MONTE ARANA.

BENEDICT XV.

For the perpetual memory of this matter.

— Since, as has been reported to Us, within the boundaries of the archdiocese of Turritanae, in the church dedicated to the Blessed Virgin Mary of Graces in Monte Arana, there exists an ancient and highly venerated image of the Blessed Virgin, renowned for miracles, to which countless faithful are accustomed to flock in large numbers, especially during the months of May and September; We, with a pious intention, striving to promote the faith of the faithful and the salvation of souls, and with a desire to enrich the Church with heavenly treasures, having heard our beloved son, His Most Reverend Eminence, the Cardinal Penitentiary Major, grant to all and each of the faithful, of both sexes, who, having been absolved through sacramental confession and refreshed by the heavenly food, visit the aforementioned church on any one day of the month of May, chosen at their discretion, and likewise on any one day between the 29th of August and the 30th of September, also chosen at their discretion, and who, there, before the image of the Mother of God, offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We, by these presents, grant them a plenary indulgence for the remission of all their sins, with mercy in the Lord.

Furthermore, We grant to the same faithful, that on any day during the year, with at least a contrite heart, they may offer the prayers mentioned above, as stated above, at the aforementioned church and before the image, and We remit from the number of years and forty days prescribed by the form of the Church, seven years and forty days.

Finally, We grant to the same faithful, if they so desire, that they may satisfy the temporal punishment due to their sins and the indulgences thereof, through these plenary and partial indulgences.

Contrary to any prohibitions to the contrary.

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Valid for the present, future, and perpetual times.

Given at Rome, near the Holy Peter, under the Fisherman's ring, on the 12th of August, in the fourth year of Our Pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 411*]

Acta Benedicti PP. XV, 411. VI. The Metropolitan Temple of Carthage is honored with the title and privileges of a Minor Basilica. BENEDICT PP. XV. For the perpetual memory of the matter.

Among the sacred buildings, whether those renowned for the sanctity of their presiding prelates, or for the solemnity of councils held within them, or for the abundance of martyrs, the Primary Church of Carthage undoubtedly stands out. Situated on the highest point of the ancient city, amidst the ruins of pagan temples and sacred buildings recently discovered from the early Christian era, this church, erected almost at the close of the tenth century, solemnly dedicated to the honor of Saint Cyprian, Bishop and Martyr, and Saint Louis, King of the Franks, Confessor, widely proclaims the generosity of noble men of the Gallic nation. And indeed, this building, surrounded by fields, stands as a symbol of the Christian name, a trophy and a monument of victory, first over the pagan cult, and then over the Islamic cult. Here, through the care and diligence of the most eminent man, a most devoted servant of divine glory and of the eternal salvation of mankind, the Most Reverend Cardinal Charles Martial Lavigerie, Presbyter of the Holy Roman Church, under the title of Saint Agnes outside the walls, and later Archbishop of Carthage, several and indeed immense basilicas have been happily brought to light, adorned with tombs from the third to the fourth centuries, bearing inscriptions and epitaphs in which, besides all truth, one can read the forms of the Cross and the monogram of D. N. Jesus Christ, along with these titles: bishop, deacon, subdeacon, acolyte, lector, exorcist, cleric, sacred virgin, and most frequently the word: faithful. The spacious interior, although somewhat imitating the form of the Roman Basilica of Saint Agnes outside the walls, nevertheless presents a Byzantine-Arabic structure, beautifully decorated with the emblems of those noble families who valiantly fought for the faith in the sacred expeditions, commonly known as the "Crusades." Several chapels are present, adorned with magnificent works of art, where altars gleam with precious and varied marble. The splendor of the temple is further enhanced by a most splendid reliquary, skillfully crafted, and placed on the main altar, which contains the most significant relics of Saint Louis, King of the Franks, and Confessor, as well as a prominent monument, or mausoleum, erected in perpetual memory of the illustrious Cardinal Lavigerie, who proved to

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be most deserving in the founding of the Metropolitan Temple.

[*Latin ed. p. 412*]

412 Acta Apostolicae Sedis – An Official Commentary, which, in order to enhance its dignity, has spared no labor, and which, having served its purpose, and having been honored in that seat, awaits transformation. Finally, a most beautiful, indeed heavenly, addition to the splendor of the temple of the Blessed Virgin Mother of God is a marble statue, with an ancient and magnificent relief carved upon it. The Mother of God, in our city of Carthage, as it is called, embraces the Infant Jesus, as if seated upon a throne of majesty, and from that summit of the city, once a Punic fortress, she seems to watch over the surrounding region with maternal care, protecting almost all of the regions of Algeria and Tunisia. Therefore, frequent and often large groups of the faithful come to its altar, either to offer prayers and pious pilgrimages, to implore the intercession of the Virgin, or, most often, to give thanks, as the votive tablets and offerings displayed there clearly attest. As the Most Reverend Predecessor, Leo XIII, our Holy Father, recognized and confirmed the primacy of honor and jurisdiction over all the churches in Africa, so too, thirty-four years ago, our Most Reverend Predecessor wished to restore the Metropolitan temple, newly built, to its former dignity and splendor, by a decree dated the tenth day of November in the year 1884. He followed in the footsteps of Leo IX, who, when asked about this primacy, had written a most honorable and important testimony to Thomas, the Bishop of Africa, in the middle of the eleventh century. It is therefore not surprising that in a short space of time, eight episcopal consecrations have been held in this new primary church, and that the temple is abundantly filled with sacred furnishings, and enriched with a treasury of indulgences. It is also not surprising that the order of canons of this temple, who, along with the rest of the clergy, perform their divine offices and ecclesiastical duties there, have been generously honored by this Holy Apostolic See with special choral insignia and privileges. Remembering all of this, the Venerable Brother Bartholomew Clemens Combes, Archbishop of Carthage, Primate of Africa, deeply concerned about the honor and the increase of the Metropolitan temple, and humbly offering fervent prayers on behalf of the clergy and the people entrusted to him, earnestly requested us to deign to bestow upon the Metropolitan Church of Carthage the title and dignity of a minor basilica. We, for whom nothing is more important than to enhance this temple, a most outstanding monument to the generosity and piety of the French nation, readily and willingly agreed to grant this request. Therefore, after consulting with the Most Reverend Fathers, Cardinals Prefects of the Congregation,

[*Latin ed. p. 413*]

The Acts of Pope Benedict XV, page 413, concerning the safeguarding of

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sacred rites, by our apostolic authority, with the force of the present document, for perpetuity, grant that the Metropolitan Church of Cartilagineuse, dedicated to God in honor of Saint Cyprian, Bishop and Martyr, and of Saint Louis, King of the Franks, and Confessor, and enriched by the benefits of our predecessors, and especially by the perpetual privilege of Primacy over all the Churches of Africa, is granted the title of a minor basilica, and to it are granted all and singular the honors and privileges which rightfully belong to the venerable basilicas of this city. Furthermore, we grant this, decreeing that these present letters of ours shall always exist and remain, and shall fully and completely produce and obtain their effects, and that they shall fully suffice for those to whom they pertain, now and in the future; and that it shall be rightly judged and defined, and that whatever is done to the contrary concerning these matters, by any authority whatsoever, knowingly or unknowingly, shall be null and void from now on. Notwithstanding any apostolic constitutions and ordinances, and all other things whatsoever that may be done to the contrary. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the fifth day of August, in the year 1738, in the fourth year of our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 414*]

Acts of the Apostolic See – Official Commentary 414. ACTS OF THE HOLY CONGREGATIONS. SACRED CONSISTORY CONGREGATION I. DECREE FOR THE RESTORATION OF THE CHAPTER OF THE METROPOLITAN CHURCH OF MONREALE. Whereas the cathedral chapter of the metropolitan church of Monreale in Sicily, for various reasons, has gradually diminished, so that at present only one canon remains of those who held canonical benefices during the time of civil suppression, namely, the Archbishop Dominic Gaspar Lancia di Brolo, and whereas this state of affairs deprives the Ordinary of the counsel and assistance of those who are by law called upon to aid him in the governance of the diocese, and thus threatens the common good; after mature deliberation on all matters in the Sacred Consistory Congregation, and with the advice of Eminent Fathers, His Holiness has decreed and established the restoration of the cathedral chapter in the metropolitan church of Monreale, and its return to the norms of the sacred canons as contained in the Code of Canon Law; and also, as soon as the necessary special provisions are in place, to provide for the filling of vacant benefices. Since priests of the Order of Saint Benedict, who have a certain right to these benefices, are lacking due to the absence of the Sicilian Congregation, the Most Holy Father has decreed that these benefices should, for the time being, be conferred upon priests of the secular clergy, saving the right of the Archbishop as the ancient canon, and notwithstanding any contrary provisions. Given at Rome, from the Secretariat of the Sacred Consistory

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Congregation, on the 3rd of September, in the year 1918. C. CARD. DE LAI, Bishop of Sabina, Secretary. L. © S. f V. Sardi, Archbishop of Caesarea, Assistant.

[*Latin ed. p. 415*]

Sacred Congregation of the Consistory, 415-II. DECREE ON A COMMON ORDINARY FOR REFUGEES IN ITALY.

Considering that priests and seminarians who are refugees, or who, for whatever reason, are interned and dispersed in the various dioceses of ITALY, cannot communicate with their respective Ordinary, or can only do so with difficulty; considering that the Bishops of the place of residence do not have over them all the necessary authority, which in any case can be *elusa* by changing residence; having taken into account the opinion of several Ordinaries, in accordance with the opinion expressed by the Most Reverend Fathers of the Sacred Congregation of the Consistory, His Holiness has decided to appoint a Prelate, who shall act as the proper and immediate Ordinary for all of said priests and seminarians, wherever and in whatever diocese they may reside; and this until the current circumstances persist, including in this provision, for the sake of uniformity of discipline, also the refugee priests of the diocese of Udine.

However, this is not intended to break or diminish the due relationships of subordination that bind the priests and seminarians to their respective Ordinaries of origin, with whom the Prelate delegated by the Holy See will, as far as possible, maintain relations, ensuring that their just prescriptions and authority are respected; nor is it intended to diminish the rights that the sacred canons grant to the local Ordinary over clerics not of his own diocese who reside in his diocese; but rather, it is intended to give all of said priests and seminarians a single, immediate Superior, who is easily accessible and to whose jurisdiction no one can evade, and to whom they must obey.

By this means, the Holy See also intends to better provide for the religious assistance of lay refugees, and especially those who are grouped in small centers and who require more special assistance, for which purpose the aforementioned Prelate is given the authority to assign refugee priests, after consulting, if possible, their proper Ordinaries, and in any case the Bishops of residence, to the assistance of said groups and to provide for their spiritual needs.

Finally, His Holiness has elected Monsignor to carry out this office.

[*Latin ed. p. 416*]

416 From the Apostolic See – Official Commentary, signed by the Reverend Garlo Pietropaoli, titular Archbishop of Calcide, granting him all the necessary faculties. Rome, from the Secretariat of the Holy Congregation Consistorial, September 3, 1918. †g G. CARD. DE LAI, Bishop of Sabina,

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Secretary. L. © S. . f V. Sardi, Archbishop of Caesarea, Assessor.

LINGONENSIS DECREE OF THE ERECTION OF THE DEANERY.

Considering it opportune, the Reverend Father, Most Reverend Mary De Durfort De Civrac De Lorge, Bishop of Langres, requested that a Dignity of Dean be established within the Cathedral Chapter, with the full support of the same Chapter; and this was supplicated to His Holiness, Pope Benedict XV. His Holiness, having graciously considered the prayers offered to Him, and therefore, by Apostolic authority, perpetually erects and establishes the Chapter Dignity in the aforementioned Chapter, to which the name of Dean shall belong. The Canon of Dean shall be the president and head of the Cathedral Chapter, and shall be endowed with all rights, privileges, and preeminences, with which other Cathedral Dignities are lawfully endowed by common law and legitimate custom. The conferral of this Dignity, according to the prescriptions of the Holy Canons, shall be reserved to the Apostolic See in each instance. Concerning these matters, the aforementioned Holy Father ordered the present Consistorial Decree to be issued, which shall have the same validity as if Apostolic Letters had been dispatched under the seal; and its execution, together with the faculties necessary for this purpose, is entrusted to the aforementioned Reverend Ordinary of Langres. Notwithstanding any contrary provisions.

Given in Rome, from the offices of the Holy Congregation Consistorial, on September 4, 1918.

†g C. CARD. DE LAI, Bishop of Sabina, Secretary. L. ÜB S. V. Sardi, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 417*]

The Holy Congregation for the Eastern Church, 417 IV, concerning the provision of churches. By the decrees of the Sacred Consistory, the Most Holy Pope Benedict XV, has provided for the following churches, namely:

June 7, 1918. — To the Metropolitan Church of Quito, in the Republic of Ecuador in South America, the Reverend Father Doctor Emmanuel Mariam Polit, formerly Bishop of Cuenca in India, has been appointed.

June 8. — To the Cathedral Church of Spalato and Makarska, the Reverend Father Doctor George Carie, formerly the titular Bishop of Ceramus, has been appointed.

August 2. — To the titular episcopal church of Eleutheropolis, the Reverend Doctor Nicholas De Carlo, a canon of the Cathedral Church of ParanÃ¡, has been appointed, and he is constituted as an Auxiliary to the Reverend Bishop of ParanÃ¡.

September 14. — To the Cathedral Church of Pharensi, the Reverend Father Doctor Lucas Pap, formerly the Bishop of Sebenico, has been ap-

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pointed.

To the titular episcopal church of Telmissus, the Reverend Doctor Boleslaus Twardowski, has been appointed, and he is designated as an Auxiliary to the Reverend Archbishop of Leopolis of the Latins.

To the Metropolitan Church of Bisuntina, the Reverend Father Doctor Ludovic Humbrecht, formerly the Bishop of Pictaviensem, has been appointed.

SACRED CONGREGATION FOR THE EASTERN CHURCH. DECREE CONCERNING THE PARISH OF THE ABBEY OF CRYPTOFERRATA.

Long ago, Pope Leo XIII, with great zeal, restored the Greek rite in the ancient Abbey of Saint Mary of the Hidden Crypt of the Basilian Monks, which had almost fallen into disuse, by a decree of the Sacred Congregation for the Propagation of the Faith, as recorded in ACTA, volume X, number 10, on October 1, 1918.

[*Latin ed. p. 418*]

418 Acta Apostolicae Sedis - Official Commentary on the Rites of the Orient, dated April 12, 1882. However, so that the Latin faithful residing in the vicinity would not suffer a serious inconvenience from this new foundation of the Monastery, the same decree stipulated that "the care of souls in the 'Church of that Abbey and within the limits of its parish' should be exercised by one of the monks of the same Monastery, who nevertheless must entirely observe the Latin rite, as had been stipulated by the Most Holy Fathers, Pope Benedict XIV in the Constitution *Inter multa*, dated April 24, 1747, and by Pope Leo XII in the Apostolic Letters *Inter coetera*, dated November 12, 1824; and that, with this permission, he might admit one or two assistants of the Latin rite, whether monks or secular priests, to assist him." Since, after many years of experience, it has been shown that the exercise of the care of souls of the faithful of the Latin rite greatly distracts the monks from the practice of the Greek rite, the Fathers of this Sacred Congregation for the Church of the Orient, to whom the duty has been entrusted of promoting, preserving, and correcting and reforming the venerable Eastern rites, in plenary sessions held on July 1, after mature deliberation, considered the question of whether it would be advisable to completely separate the Latin parish from the Greek Monastery of Cryptaferrata, and, after carefully considering all matters pertaining to this, they decided that the answer should be negative, and they came to this conclusion. The intention is that, with the understanding that the statutes previously mentioned in the decree of the Sacred Congregation of Propaganda Fide regarding the care of souls remain unchanged, the actual care of souls should be exercised by the monks through a priest, whether secular or regular, who observes the Latin rite, while the monks of the Basilian Order, who must be considered entirely as belonging to the Greek rite, are excused from this duty; however, the presentation of such a priest to

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the Tusculan Curia, upon whom the spiritual welfare of the local Latin faithful depends, shall forever be reserved to the Abbot for the time being; all other matters remaining as established by Pope Benedict XIV and Pope Leo XII in the aforementioned Constitutions. This opinion of the Fathers was ratified and confirmed by the Most Holy Pope Benedict XV, with divine Providence, referring to me, the undersigned Cardinal Secretary of the Sacred Congregation, on July 10 of this year, and he ordered that this decree be issued. Notwithstanding any contrary provisions. Given at Rome, from the offices of the Sacred Congregation for the Church of the Orient, on the day and year above mentioned. NICOLAUS CARD. MARINI, Secretary.

[*Latin ed. p. 419*]

The Holy Congregation for the Eastern Church, having observed that the Greek rite is almost neglected in certain places in Italy where faithful people originating from Albania reside, especially due to ignorance of both the liturgical language and the discipline of the Eastern Church, deemed it a most fitting course of action to restore said rite there, to gather young people aspiring to the clerical life, and to instruct them more diligently in the study and observance of the Greek rite. Therefore, the Eminent Fathers of the same Holy Congregation, having held plenary meetings on the kalends of July, judged it necessary to petition the Most Holy [Pope], that, if it pleased Him, this plan might be carried out, and that the same Most Blessed [Pope] would deign to establish, in the Abbey of Saint Mary of the Hidden Crypt of the Monks of Saint Basil the Great, a juniorate or seminary, in which selected boys, both from the aforementioned places in Italy and also from the continent of Albania, would be instructed in literary studies and in the Greek rite, under the discipline and governance of the aforementioned Monks. These petitions of the Eminent Fathers, having been presented to Our Most Holy Lord Benedict, Pope XV, by me, the undersigned Cardinal Secretary of the Holy Congregation, on the 10th of July, were graciously received by him, and the present Decree for the erection of the Italo-Greek Seminary, as explained above, was ordered to be completed and promulgated with His Apostolic authority. Given at Rome, from the offices of the Holy Congregation for the Eastern Church, on the day and in the year as above. NICOLAUS CARD. MARINI, Secretary.

[*Latin ed. p. 420*]

420 Acta Apostolicae Sedis - Official Commentary

ACTS OF THE SACRED ROMAN ROTA

MONTEREYEN. ANGELORUM.

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NULLITY OF MARRIAGE (PIRRI - SERVIMO).

Under the blessed reign of Pope Benedict XV, in the fourth year of his pontificate, the Most Reverend Fathers, John Prior, Presiding Judge; Aloysius Sincero and Frederick Cattani-Amadori, Auditors of turno, in the case of Montereyen, Angelorum – Nullity of Marriage, between Mary Pirri, represented by her lawful procurator ex officio, the Reverend Father Carmel Conte, and Francis Servidio, who intervened and argued in the case as the appointed defender of the bond, rendered the following final judgment.

Mary Pirri, born in the city of Los Angeles, in the United States of America, of Italian parents who had emigrated there from Calabria, was, when she was sixteen years of age, presented to a certain barber named Francis Servidio, who had recently come from the same Calabrian region, with the intention that she would marry him. The young woman, however, having been persuaded by a certain neighbor that she was too young to undertake the burdens of marriage, initially refused the proposed marriage; subsequently, however, persuaded by her parents, she consented, and, after approximately three months of betrothal, on September 2nd of the year 1906, she was joined in marriage to him before the Church.

Married life began in the bride's parental home, where discord arose between the bride's father and the husband, Francis, who, after three years of marriage, was forced to leave his father-in-law's house. Mary, however, when her father was ill, refused to follow her husband; after her father's death, she did not even consider following her husband, but instead, she went to the civil court and obtained a divorce, and she entered into a civil marriage with another man.

Some years later, yielding to the prayers of a certain pious woman, who urged her to consult her conscience, Mary petitioned the ecclesiastical tribunal of the Curia of Montereyen, Angelorum, that her marriage to Francis Servidio be declared null, alleging coercion and fear on her part, and on December 19th, 1914, she received a judgment favorable to her. The metropolitan Curia, however, Q

[*Latin ed. p. 421*]

The Roman Rota, Case No. 421 of Francis of California, in the second instance, rendered a judgment in favor of the validity of the marriage, on August 30, 1915. Following an appeal to the Most Holy Tribunal, the case was initially discussed in the Rota on July 8, 1917, and the Auditors responded: "The proceedings shall be extended and completed according to the instructions to be given by the Most Reverend Prefect." Upon completion of the supplementary proceedings, the case is again presented to us for a definitive judgment, under the customary doubt: Whether there exists a nullity in the marriage in this case. The question is exclusively concerned with the qualified reverential fear caused by threats of death, made only

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once by the father of Mary Pirri, the actress, who claims that her father threatened to kill her with a firearm, commonly known as a revolver, unless she consented to marry Francis Servidio. Reverential fear, as is known, is of itself a light thing and does not invalidate the marriage, unless it is qualified by serious threats, or beatings, or insistent and importunate entreaties. There is nothing in our case concerning beatings, since no witness speaks of them. Nor is there anything concerning insistent and importunate entreaties, as is evident from the actress's own confession. When asked: "Do you mention relatives? Who were the relatives who were urging you 'to consent for the sake of peace'?", she replied: "My aunt... Filomena Pirri... And another aunt... Maria Pirri." Question: "Did these relatives repeatedly urge you?" She replied: "No, only once." Question: "How did your father try to obtain your consent?" She replied: "By talking to me on the same day." Question: "On the same day that your father uttered the threat?" She replied: "Yes." The mother, however, stated that she had only spoken to her daughter Mary once about the marriage; when asked: "Did you have any conversations with Mary regarding her marriage?" she replied: "Yes, I advised her to marry him." Question: "Do you remember having spoken to her frequently about the fact that Francis would be a good husband for her?" She replied: "I spoke to her about it only once." And the actress, when asked: "Did the words of your mother produce any particular effect on you?" she replied: "No, it was really for my father that I consented." The actress also testified that the threats of death were made by her father only once; when asked: "Was that threat repeated on any other occasion?" she replied: "Only once." These conclusions, as indicated thus far, must be considered morally certain, because they are confirmed by the judicial confession of the actress in favor of the validity of the marriage. "Indeed, the confession of a spouse, which is favorable to the validity of the marriage, has the force of proof in those cases in which the spouses have the right to accuse the marriage of being invalid," among which must be included the case of force and fear. Thus, Wernz (no. 745, ed. 1911); similarly.

[*Latin ed. p. 422*]

422 Acta Apostolicae Sedis - Official Commentary, Austrian Instruction, no. 149. Furthermore, Reiffenstuel states (lib. II, title XVIII, no. 62): "A confession made in court not only fully proves [the matter] and relieves the accuser of the burden of proving it, but also makes the matter manifest and renders it notorious" (The text is found in chap. ult., De cohabit. clericor. et chap. Cum olim, 24, De verb. signif. cum concordantiis), and Mascardus notes, De probat., etc., with common law. Although this rule, indicated by the author Reiffenstuel, is generally affirmed in cases where a private matter is in question, and does not universally apply in those where the matter concerns the public good, such as in matrimonial cases, it can nevertheless be applied by analogy in a matrimonial case, "from the chapter on force

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and fear, where a confession has a special force against the one who made it, since the one who made the confession is presumed to certainly know what were the causes of the fear that he experienced." Moreover, a confession deliberately made in court cannot be revoked, unless it is made immediately, or it is proven that the confession was made through error. Thus, Reiffenstuel (loc. cit.), with common law (similar things are found in can. 1752 Cod. Iur. Can.). Therefore, the deposition of the plaintiff, contrary to the one given in the supplementary process, must be disregarded, in which she states, without assigning any reason for the changed testimony, that her father threatened her three times in the three days that elapsed between the presentation of the ring and its acceptance, and in fine: "From the time of the promise until the time of the marriage, my father and my mother made continuous pressure on me, that it was good for me to marry and that he was a good man... I said nothing." Indeed, such pressures or coercion of the plaintiff by her parents, once the girl has given her consent, are entirely excluded in the preliminary deposition. Nor is the deposition of the mother, given in the supplementary process, valid to prove that the threats were indeed made three times, because it contradicts the confession of the plaintiff, because she is the only witness, and because she substantially changed the deposition given in the first interrogation, without assigning any reason for the change; and finally, because she contradicts herself, since at least implicitly in the first deposition she stated that the threats were made only once. When asked: "Please tell us what you know about the promise of Mary to Francesco Servidio?", she responded by recounting the threats made by her father; immediately afterwards, when asked: "How did Mary act after being threatened by her father?", she responded: "Mary gave her consent." Therefore, the entire case revolves around the threats of death made once by the plaintiff's father, concerning which two questions arise: 1) whether these threats were actually made? And, assuming that they were: 2) whether they were effective, so that Mary Servidio was coerced by them to enter into marriage?

[*Latin ed. p. 423*]

423. The Roman Rota, concerning the first question regarding the factual presentation of threats, notes that, as a general rule, two competent and suitable witnesses, free from any suspicion, are required and sufficient to prove something in a trial, and these witnesses must testify from their own knowledge of the facts. In our case, we have only one witness who is deemed suitable and competent, and who testifies from her own knowledge regarding the threats made with a firearm, commonly known as a revolver, namely, the mother of the bride. Although she is related to the actress, and therefore not a competent witness in ordinary proceedings concerning her daughter, she is nevertheless admitted as a witness in a matrimonial cause by ecclesiastical law. The testimony of the actress her-

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self, since it was given after the marriage and is contrary to the validity of the marriage, lacks all probative force, according to chapter concerning him, book IV, title XV. Cf. *Instructio Austriaca*, n. 148, 169; Wernz, n. 745 and 1911. However, although it is ordinarily required that there be testimony from two witnesses who testify from their own knowledge and are free from any suspicion, in cases that are inherently difficult to prove, such as a matrimonial cause based on coercion and fear, which ordinarily concerns matters that take place within the domestic sphere, proof is permitted through presumptions, conjectures, and circumstantial evidence, which, when considered cumulatively, can generate moral certainty. In our case, as we have noted above, we have only one witness who testifies from her own knowledge, namely, the mother of the actress, who recounts the following: "In a very short time, it went from the first meeting to the time when Francesco came to the house with the ring. I, my husband, Mary, and Francesco were all present. Francesco tried to give the ring to Mary, but she did not want to take it; my husband spoke to her angrily, and then she accepted the ring, but she did not put it on her finger. Mary did not speak. The next day, my husband came to Mary and, with a revolver, frightened her and said that he would kill her if she did not marry Francesco. Afterwards, turning towards me, he said that he would also kill me if I did not use my influence to persuade her to marry Francesco." When subsequently questioned: "How did Mary react after being threatened?", she replied: "Mary gave her consent." It is certainly doubtful whether Carmela Pirri, the actress's mother, is free from all suspicion, because her statements are inconsistent; in the first interrogation concerning the threats, she stated that the threats were made only once, immediately followed by the bride's consent to the marriage, while in the second interrogation, she affirmed that the father of Mary threatened her three times within a period of one week. There are three witnesses who testify to having heard about the threats of murder: Maria Pirri, the actress's aunt, Maria Doyle (also known as Coyle), and Guillelma Brennan. The witness, Maria Pirri, claims, of course, to have been an immediate witness to the threats of death that her father made when he presented the ring.

[*Latin ed. p. 424*]

424 Acta Apostolicae Sedis .- Official Commentary in Latin. This kind of testimony, however, must be rejected as false, because no other witness, among those who were present at that time, mentions anything about the alleged threats; moreover, three of them explicitly deny it: namely, Franciscus Moreno, the actress herself, and Stephana Pometti, who was also in the Pirri house when the girl initially rejected the suitor, as the actress recounts: "Essa (S. Pometti) told me she said no, when I went to the upper floor." Finally, the girl's mother at least implicitly denies it, when she speaks only of the threats that were made the following day. This kind of false testi-

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mony naturally casts suspicion on another statement of the same witness, in which she testifies about threats allegedly made by the girl's father; for once a person is found to be a liar, they are always suspected of lying, as is evident from the following questions and answers: "Did you have any conversations with Maria during the three days that passed between her rejection of the ring and her acceptance of it?" She replied: "Yes, I advised her repeatedly to marry Franciscus." Question: "During those three days, did you speak to Maria's mother about the marriage?" She replied: "We talked together about the marriage, and Maria's mother said that the best way for Maria to free herself from all trouble would be to submit to her father's wishes and accept Franciscus as her husband." Question: "Did Maria's mother tell you anything about the threats made by Maria's father?" She replied: "Yes, she said that if Maria did not give her consent, her father would continue to be angry with her and would even go so far as to kill her." Question: "Did Maria's mother say that her father had made any threats, and if so, of what nature were they?" She replied: "She said that her father threatened to kill Maria." Question: "Did Maria's mother tell you in what way her father threatened to kill Maria?" She replied: "No." Question: "Did Maria's mother tell you if her father said he would kill Maria with a knife, a gun, or by throwing her out the window?" She replied: "No, she never told me how her father said he would kill her." Indeed, the Reverend Auditors believe that this testimony of Maria Pirri does not in any way confirm the testimony about the threats that Carmela Pirri recounted, not only because the witness is suspected of lying due to the evident falsehood of her testimony regarding the threats in connection with the presentation of the ring, but also because she knows nothing about the manner in which the alleged threats were made by the girl's father, namely, with a gun, which manner constituted a substantial circumstance of the alleged threat. It is unbelievable that the actress's father, who, according to her own sworn statement, was trying to overcome the girl's reluctance in several conversations she had with her in those three days after the initial presentation of the ring, would threaten her with death.

[*Latin ed. p. 425*]

Saint Montana Mota heard her mother, at the same time, speaking of threats made, but she did not hear anything at all, nor did the girl herself hear, about the substantial circumstances, namely that the father, with a gun and a revolver, pointed them at his daughter, while uttering threats of death. Therefore, I believe that the testimony of Maria Pirri does not in any way confirm the account of threats made by Carmela Pirri. Another witness, Maria Doyle, who testified based on hearsay, contradicts herself, and does not give a reason for this contradiction, and therefore her testimony is suspect. When asked, "Did you have a conversation with Maria Pirri before the wedding?" she replied, "Only once. She said that she was

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going to get married, and that she did not want to, but that her father was forcing her to marry." Then, later asked, "How many times did she speak to you about this matter (the marriage)?" she replied, "About three times." This witness also states that, according to the account given to her by the actress, Aloysia, the sister of the actress, was present during the utterance of the threats: Aloysia, however, denies that her father ever made threats against her sister Maria in her presence. She was thirteen years old at the time of the marriage, and therefore, having reached the age of puberty, she was a suitable witness. Finally, Guillelma Brennan, whose veracity is not doubted, spoke of threats made at the relevant time, that is, not only after the marriage was contracted, but also after the second marriage with another man, Janny, which was civilly entered into, and indeed when Brennan was questioning the actress about the nullity of the marriage with Francisco Servidio. Another reason for denying the credibility of the account given by the actress is that Brennan reported to her the alleged circumstance of coercion, about which the actress herself and other witnesses in court are completely silent, namely: "She said that (the father) locked her in a room and made her stay there until she consented." Therefore, to prove the specific fact of threats of killing with a revolver, we have only one witness with personal knowledge, Carmela Pirri, who, at least implicitly, contradicts herself in the substantial fact, and only one witness based on hearsay, Maria Doyle, who also contradicts herself. The witness Maria Pirri is excluded, because, for the reasons indicated above, she does not confirm the specific fact of threats with a revolver. The witness Brennan is also excluded, because she only reports the confession of the spouse after the marriage, which, as noted above, has no probative force. Finally, the testimony of the actress herself, which, according to common law, can only be used as a supporting element of proof, is weakened by several contradictions. Thus, for example, when asked by the judge, "Do you mention relatives; who were the relatives who were urging you to consent for the sake of peace?" she replied, "My aunt... Filomena."

[*Latin ed. p. 426*]

426 Acta Apostolicae Sedis - Commentarium Officiale « Pirri... Another of my aunts... Mary Pirri... ». Question: "Did these relatives 'repeatedly urge' you?", she answered: "No, only once." Question: "Did you have any conversations with your mother 'after the threat that was made to you, and before you consented to 'marry' Mr. Servidio?", she answered: "No, only I said that I would do it 'for their sake'." Question: "Did you not discuss the matter with your 'mother' afterwards?", she answered: "No." Question: "Did you not discuss the matter 'with anyone else'?", she answered: "No, on the second day I consented 'to live with him'..." Question: "After you had expressed your 'revulsion', how did you 'behave' and what did you do?", she answered: "I 'was very angry', and they did not 'discuss' this

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'matter' in front of me for three 'days'." Question: "During these three 'days' did you 'discuss' the 'matter' 'with anyone'?", she answered: "No, but I told Mrs. Doyle that 'I did not want to marry him'." Question: "Did you have any conversations 'with your mother'?", she answered: "Certainly." Question: "What did she 'say'?", she answered: "I told my 'mother' that I did not want to 'marry him'." Later questioned: "Did you have any conversations during these 'three days' (neither after the denial of consent) 'with any person or persons', regarding your 'proposed marriage'?", she answered: "Yes, 'with my two aunts'... one Filomena Pirri and the other Mary Pirri." Question: "During these 'three days' did you 'speak' to your 'mother' and 'your aunts' about your 'marriage' 'with Mr. Servidio'?", she answered: "Certainly." Furthermore, while in the first interrogation she asserts that the threats were made only once, in the second she says that they were made three times. Therefore, it is clear that the proof of the specific fact of the threats is lacking, if the testimonies of the witnesses are considered in isolation. This deficiency becomes more and more apparent, if account is taken of the many presumptions which arise from the totality of the circumstances, which indeed suggest that the alleged fact of the threats never took place. Let us briefly discuss these. Firstly, the father's attitude towards his children was very benevolent, as everyone reports; especially all the children and their mother testify that he never physically corrected his children: his daughter Margaret Pagliuso, a religious, remembers that once her father gave her a slap. The mother says that he sometimes threatened to physically punish his children, but that he never actually carried out the threats: the daughter Aloysia also testifies that her father never threatened corporal punishment. The mother of the actress, regarding the husband's behavior towards herself, says: "He never threatened me, nor did he 'frighten' me (with threats) until about 15 years after we were married." Another witness, Francis Moreno, a close friend of the Pirri family, is also mild...

[*Latin ed. p. 427*]

The Roman Rota, in case 427, confirms the father's character; it states: "He was not capable of killing a fly." Such cumulative testimony regarding the father's benevolent and gentle nature towards his children is not diminished by the declaration of some that he was sometimes moved by anger, which can happen to even well-disposed individuals. Furthermore, at the time when the alleged threats were supposedly made, the father had not yet firmly resolved to have the marriage. Indeed, Franciscus Moreno recounts that after the girl had given her consent, the father spoke to her in this way: "This gentleman (F. Servidio) is to work for you, and I desire that you test him and see if he is a man capable of supporting my daughter; otherwise, we can break off the engagement." In fact, after three weeks, F. Moreno gave the father a response, informing him of the man Servidio's ability to support his daughter. Therefore, to what purpose would

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the benevolent father insist on threats of death in order to have his daughter consent to a marriage that he himself had not firmly resolved upon? Moreover, the actress herself states that she did not cease to be threatened, and her sister, Margaret Pagliuso, confirms this. This, indeed, creates a presumption, not only against the efficacy of the threats, but also, considering the alleged threats in this case, against their very existence. It is unlikely that a young girl, sixteen years of age, would immediately dare to resist her father's will, who, inflamed with anger, directs a rifle at her to kill her if she refuses to yield; this is even more true in the case where the reason for resistance was only slight, namely because she was still too young to assume the burdens of marriage. When asked by the judge: "At what time of day did your father utter this threat?", the actress replied: "In the morning." Question: "Did you subsequently give your consent?" She replied: "No." Question: "What finally induced you to change your intention?" She replied: "Seeing my mother in misery, and my relatives who then begged me to consent for the sake of peace." Margaret Pagliuso, the actress's sister, was asked: "Do you believe that this (that Mary married Servidio) happened because her father threatened her?" She replied: "I do not believe that she had much fear of him, but she married in order to prove that she was innocent, that she had no other suitor." Furthermore, a very serious presumption against the alleged fact of the threats is based on the fact that those who were intimately connected by kinship or familiarity with the Pirri family, and who spoke with the family on those very days about the marriage, either with the actress or with her mother, know nothing of threats made with a revolver. Thus, Aloysia Pirri, the actress's sister, who was thirteen years old at the time; thus, Maria Pirri, the actress's aunt, who, as she herself said, gave the girl advice several times at that time to consent to the marriage, and was present at the first presentation of the ring; thus, Stephana Pometti, who,

[*Latin ed. p. 428*]

4^8 From the Apostolic See - According to the official record, and as testified by the actress herself, she was present at the Pirri residence at the same time, and, as Mary Doyle recounts, she was "almost always" there; thus, Father Moreno, who accompanied the bride, presented himself and played a significant role in preparing for the marriage, and attended the marriage ceremony itself, along with his wife, as a witness. The only reason the young woman initially refused to consent to the proposed marriage, as she herself stated, was because she was too young; she did not harbor any affection for another man, as her sister, Margaret Pagliuso, declares; her reluctance towards the man and the proposed marriage was not such that it required threats to overcome, but rather the counsel of her parents, who sought to persuade their inexperienced daughter. Finally, the father behaved in the same manner in preparing the young woman, Mary, for

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marriage and in conducting other matters concerning her, as recounted by the young woman's mother, Carmela Pirri, although, as she confessed, there was no material coercion involved. Therefore, considering all these circumstances and the lack of sufficient evidence presented by the actress, we believe that it cannot be established that there was, in fact, any threat of violence. Regarding the second question, namely the effectiveness of any threats that may have been made, even if they did occur, it must also be said that there is no proof of this. To prove threats, it is generally required that those who make the threats are accustomed to carrying them out; otherwise, it is concluded that the threats were not made seriously, or that they were ineffective. Indeed, from the testimonies of the witnesses, as mentioned above, it is clear that the actress's father either did not use threats to correct his children, or at least did not usually carry them out. Thus, the actress stated in her interrogation: Question: "Was he a good father?" Answer: "Yes, a very good man." Question: "If any member of the family happened to be disobedient, how did he behave with them?" Answer: "He would be angry, and he would tell us: 'We must behave well - next time.'" Question: "Did he have the habit of punishing his children?" Answer: "No." The actress's sister, Aloysia, spoke on the same subject as follows: Question: "Did you fear your father?" Answer: "Not very much; just like any other child." Question: "Did he ever punish you?" Answer: "No." Question: "Did he ever get angry with you?" Answer: "Once in a while." Question: "Did your father ever threaten to punish you?" Answer: "No, he was very good to us." Question: "Was he also very good to your sister?" Answer: "Yes." Question: "Was he a moderate and peaceful man?" Answer: "Yes, he was very good." Question: "Do you remember your father doing anything to persuade your sister to marry Francesco Servadio?" Answer: "No." Question: "Did he threaten your...

[*Latin ed. p. 429*]

S. Born and Bota, 429, "Sister?" she responded, "No, facing me." The ineffectiveness of the alleged threats, as related by other witnesses above, Father Moreno and even the actress's own mother, is confirmed, as they speak of the father's gentle and benevolent nature, stating that he was not accustomed to punishing his children. Furthermore, it is noteworthy that the actress, questioned directly by the judge, did not answer affirmatively when asked whether she believed her father would actually carry out the alleged threats. Indeed, as we have seen, she testified that she did not cease to be threatened, but consented to the marriage out of a desire for peace. However, the testimony of this witness, which later contradicted itself, cannot be given full credence, as has already been stated. Finally, the actress's other sister, M. Pagliuso, clearly stated that the girl had no fear of her father, nor was she forced to enter into the marriage out of fear. Moreover, the events that preceded the marriage, whether they oc-

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curred before or after, reveal a complete lack of pressure from the parents and a clear willingness on the part of the girl. We learn this from the actress herself, responding to the judge's questions: "I was good to him," she said, "after I consented." Question: "How often did Mr. Servidio visit your home?" she replied: "Twice a week." Question: "Where did you go with him?" she replied: "Sometimes to a good show." Question: "Did you begin to love him after you started spending time with Mr. Servidio?" she replied: "Yes, we went out together..." Question: "Did you go out with him?" she replied: "Once a week." Question: "Did you go on pleasure trips?" she replied: "Yes, like to the beach, or to a show." Question: "Did your father force you to go out with him?" she replied: "No." Question: "Did you go out with him willingly?" she replied: "Yes." Question: "What feelings did you have towards him?" she replied: "I don't know how to say it; I didn't really love the man, but I didn't hate him either." Question: "Were you happy to prepare for the wedding?" she replied: "Certainly." Question: "Did you do anything under pressure?" she replied: "My father and my mother didn't tell me anything, and they gave me..." Question: "Did the engaged couple willingly participate in all the preparations?" she replied: "Yes." The actress also testified that she freely consented to the marriage during the wedding ceremony, and that after the marriage, she performed her marital duties without reluctance, and that in general, she freely fulfilled the duties of a bride. When asked, "When you were married on September 2, 1906, were you married willingly?" she replied: "Certainly." Question: "Were all your friends and relatives there?" she replied: "Yes." Question: "Did you intend to let anyone know that you were a married woman without your consent?" she replied: "No." Question: "Did you live happily with your husband?"

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis - The Official Commentary responds: "Yes." Question: "Did you experience any opposition in having relations with him?" Answer: "No." Question: "Did you act the part of an obedient and willing wife?" Answer: "Yes." Question: "In every respect?" Answer: "Yes." Question: "Did you try to do things to please him?" Answer: "Yes." Question: "Was everything satisfactory?" Answer: "Yes." From these confessions of the actress, it is clear that she did not refuse the proposed marriage, not because she extinguished any resistance, but because she deliberately chose not to resist. Furthermore, the defendant and the parish priest Bucci, who joined the couple in marriage, deny that there was any trace of coercion in the woman's consent. This is also confirmed by the witness Fr. Moreno, who, as we have seen, played a significant part in preparing the marriage, despite his own desire that the marriage be declared null. And the witness Priscilla Scottini, a parish servant, reports that the bride told her three weeks before the marriage that she was going to marry because there was an opportunity to do so: "I asked her why

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she was getting married so soon; then she told me 'that, since she had an opportunity, she had to get married.'" Therefore, at the very least, it must be concluded that Maria Pirri, the actress, overcame her own reluctance and gave her consent to act in a manner that favored marriage; which, as the Holy See's Order has taught repeatedly, does not in any way invalidate the matrimonial consent. Having considered and carefully weighed all of these matters, both in law and in fact, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and with only God before our eyes, decide, declare, and definitively pronounce that there is no basis for declaring the marriage null in this case, or that, with regard to the proposed doubt, the answer is: negative. Thus we pronounce, ordering the Ordinary authorities of the place and the ministers of the tribunals to whom this pertains, to enforce this our definitive judgment and to proceed against those who resist, according to the Holy Canons, especially chapter B, session XXV, De ref., Council of Trent, using the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, in the seat of the Holy Roman Rota, on the 21st of December, 1917. Ioannes Prior, Presiding. Aloysius Sincero. Fridericus Cattani-Amadori. From the Chancery of the Holy Roman Rota. Sac. T. Tani, Notary.

[*Latin ed. p. 431*]

Diary of the Roman Curia 431. DOUBT OF THE SECRETARY OF STATE OF THE ROMAN CURIA. The Directorate of the "Pontifical Annuary," belonging to the Secretariat of State, earnestly desires to inform the Most Reverend and Venerable Ordinaries of the dioceses, the prelates' colleges, the Superiors General of the religious orders, the Rectors of the ecclesiastical colleges, and all dignitaries belonging to the papal court, that they should transmit, in a timely manner, the reports and corrections necessary for the edition of the "Annuary" for the coming year, 1919, in accordance with the circular letter of the Most Reverend Cardinal Gasparri, Secretary of State, dated July 15, 1915, and the particular instructions received at the time of appointments and promotions.

APPOINTMENTS. By letters from the Secretariat of State, the Holy Father has deigned to appoint:

September 13, 1918. The Most Reverend Cardinal Alessio Ascalesi, Archbishop of Benevento, Protector of the Monastery of Santa Chiara in Montefalco.

September 16, 1918. Monsignor Bonaventura Cerretti, titular Archbishop of Corinth, Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, Consultant of the Sacred Congregation for the Eastern Church.

September 16, 1918. Monsignor Isaia Papadopulos, titular Bishop of Grazianopoli, Assessor of the Sacred Congregation for the Eastern Church,

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Consultant of the Sacred Congregation for Extraordinary Ecclesiastical Affairs.

[*Latin ed. p. 432*]

Acts of the Apostolic See – Official Commentary.

MAGGIORDOÉATO OF HIS HOLINESS.

With tickets from His Excellency, the Reverend Monsignor, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains:

April 26, August 26, 1918.

Monsignor Pasquale Ferrari, of the diocese of Massa-Carrara.

Monsignor Giovanni Di Vano, of the diocese of Viterbo and Tuscania.

Monsignor Sestilio Giulianelli, of the same diocese.

Monsignor Vincenzo Marciano, of the archdiocese of Reggio Calabria.

NECROLOGY

August 31, 1918.

Monsignor Antonio Giuseppe de Souza Barroso, Bishop of Porto.

September 17.

The Most Reverend Cardinal Giovanni Maria Farley, Archbishop of New York.

September 23.

Monsignor Pellegrino Maria Francesco Stagni, titular Archbishop of Ancira.

September 25.

Monsignor Giovanni Ireland, Archbishop of Saint Paul of Minnesota.

Monsignor Andrea Segura y Domínguez, Bishop of Tepic (Mexico).

Monsignor Francesco Silas Chatard, Bishop of Indianapolis.

[*Latin ed. p. 433*]

Year X - Vol. X, 2nd November 1918, No. 11. OFFICIAL COMMENTARY OF THE APPOSTOLIC ACTS. ACTS OF POPE BENEDICT XV. APOSTOLIC LETTERS. I. OF THE APOSTOLIC PREFECTURE "OF BETAFO" TO THE APOSTOLIC VICARIATE. BENEDICT XV, POPE. For the perpetual memory of the matter. — We always receive with joy any undertaking that promotes the growth of the faith, and it is necessary to provide for it with new and better resources from the Lord. Therefore, the Apostolic Prefecture of Betafo, on the island of Madagascar, having increased in the number of the faithful, and because of the active work of the missionaries of La Salette, and because its works and discipline are flourishing; We, so that the Christian religion may be spread there

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more easily and better, freely promote this Mission to a higher degree of dignity. Wherefore, also with the advice of the Most Reverend Fathers, the Cardinals, Prefects for the propagation of the Christian name, by the fullness of Our Apostolic power, by the present document, by Our own free will and mature deliberation, We erect and establish the Apostolic Prefecture of Betafo, on the island of Madagascar, into an Apostolic Vicariate, retaining the same name. Therefore, We grant to this new Vicariate all and singular rights, privileges, honors, and indulgences that pertain to sacred missions. We decree that these present Letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effects, for those to whom they pertain, in all things and through. ACTA, vol. X, no. 11. — 2-11-1918. 28

[*Latin ed. p. 434*]

434 Acta Apostolicae Sedis - The official record fully supports this, and it is to be judged and defined as such, and it shall be rendered void and ineffective if, concerning these matters, any authority whatsoever, knowingly or unknowingly, should attempt to interfere. Notwithstanding any contrary provisions. XXIV. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-fourth day of the month of August, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

II. THE APOSTOLIC PREFECTURE OF WESTERN NIGERIA IS ERECTED INTO AN APOSTOLIC VICARIATE. BENEDICT XV. For the perpetual memory of this event. — We are deeply pleased to learn that a certain mission has borne such abundant fruit in the Lord that it is fitting to raise it to a higher degree of dignity. We have heard of this concerning the Apostolic Prefecture of Western Nigeria, and, after deliberation with the Most Reverend Fathers, the Cardinals entrusted with the affairs of the Propagation of the Faith, We have decided, with a willing heart, to erect it into an Apostolic Vicariate. Therefore, that the Catholic name and the eternal salvation of the faithful in Northern *Africa* may prosper and flourish, and that the labors and fruits undertaken in the Apostolic Mission of Western Nigeria may be extended and multiplied, We, with full knowledge and mature deliberation, by the fullness of Our Apostolic power, by the tenor of these presents, erect and establish the aforementioned Apostolic Prefecture into an Apostolic Vicariate, with the same name and boundaries, together with all honors, rights, privileges, prerogatives, and indulgences pertaining to such Apostolic Vicariates. These presents are hereby declared to be firm, valid, and efficacious, and shall always be so, and shall have their full and complete effect, and shall fully prevail over all and through all, and shall be judged and defined as such, and shall be rendered void and ineffective if, concerning these matters, any authority whatsoever, knowingly or unknowingly, should attempt to interfere. Notwithstanding any contrary provisions. XXIV.

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Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-fourth day of the month of August, in the fourth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 435*]

Acta of Pope Benedict XV, 435, Regarding the Church of the Blessed Virgin Mary of Mercy in the City of Barcelona, Decorated with the Title and Privileges of a Minor Basilica. BENEDICT XV, for the perpetual memory of the matter. — It is our custom, following the example and practice of our predecessors, the Roman Pontiffs, to bestow honors and privileges upon conspicuous temples erected in memory of some great event, temples which, through the beauty of their artistic works, the splendor of their worship, and above all, the piety of the faithful, are worthy of such distinction. Therefore, it is known and understood that in Barcelona, a most noble city of the Spanish people, there exists a royal temple which recalls a singular and celebrated event, namely that seven centuries ago, in the beginning of the month of August in the year 1218, the Virgin Mary offered herself to her devoted son, Peter Nolasco, inflamed with the desire of redeeming Christians held captive from the immense servitude of the infidels. This illustrious temple, erected in honor of the Blessed Virgin Mary of Mercy, and having increased in the number of the faithful and in piety, has replaced the former church and oratory, both dedicated to the Mother of God. In the year 1775, it was dedicated to the same Virgin and, among many other names, excels above all others. Its vastness is a testament to art, and the dome above, with its bronze statue of the Virgin Mary at the very top, is clearly visible. Within the interior of the temple, and above the main altar dedicated to the Virgin of Mercy, is preserved another statue, marvelously sculpted from wood in the Catalan style, which was most religiously bequeathed by Saint Peter Nolasco. It is truly incredible to note how richly and royally adorned this statue of the Virgin is, and how it is embellished with countless gifts, to which not only the citizens of Barcelona, but the entire Spanish people, and the Kings of Catalonia, Castile, and subsequently all of Spain, have shown the greatest reverence. It is also fitting to mention that the most distinguished men of our time have also contributed to this sacred edifice, men who, through the sanctity of their lives and their good deeds, have illuminated the Church of Christ and have deserved the honors of the altar. In this competition of piety, the Sacred Ministers of Barcelona, as is fitting, have taken the lead, and, together with the clergy and the people, have obtained from this Apostolic See that the Blessed Virgin Mary of Mercy be declared the principal patroness not only of their city, but of the entire Church of Barcelona. The Chapter of the Cathedral Church of

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Barcelona, together with the Bishop, has solemnly...

[*Latin ed. p. 436*]

436 Acta Apostolicae Sedis - Commentarium Officiale. Each year, the ceremonies are performed in the temple of the Most Holy Virgin of Mercy, and on the anniversary of the Virgin Mary's Assumption, the sacred image of Mary, taken from its place, is presented with prayers and solemnity in the Cathedral Church for the most honorable veneration, and the festivities that follow are celebrated with no less solemnity and with a very large gathering of the people, who return it to its sanctuary. Furthermore, the zeal and diligence of the parish priest and his assisting priests in performing their duties there are remarkable, and the sanctuary is not lacking a College of Beneficiaries, whose constant work greatly enhances the splendor of the temple. Finally, confraternities of both sexes and of every order, which practice religion and charity, strive to honor the Mother of God, and they often pour out prayers before Her image even on ordinary days and at set hours. This Marian sanctuary, celebrated for so many reasons, has also aroused the concern of the Roman Pontiffs, and it is fitting that the feast of the Most Holy Virgin of Mercy, granted to the Mercedarian Order by our predecessor, Pope Gregory IX, was extended to the entire Church by another of Our predecessors, Innocent XIII, and our blessed predecessor, Pope Pius IX, declared and proclaimed the Most Holy Virgin of Mercy, or of Barcelona, as the patroness of the entire diocese, while Pope Leo XIII solemnly decreed the redemption of that very remarkable golden image with a golden crown. In addition to these honors and privileges, other concessions have been granted, for our predecessor, Pope Pius X, added to the abundance of indulgences, which enrich both the work of redemption of captives and the practice of piety, the so-called Indulgence of Portiuncula, and We ourselves, moved by the fame of the sanctuary and the desire of the faithful, have generously granted the faculty, by virtue of which, on the night of September 24th, the day on which the feast of the Most Holy Virgin of Mercy is celebrated, a plenary indulgence can be obtained within the sanctuary itself. All of these things easily led the venerable brother Henry Reig and Casanova, the Archbishop of Barcelona, to ask Us, with the votes and support of the clergy and the people, to deign to raise this parish royal temple to a higher degree of dignity, and We, after carefully considering everything, and also with the advice of the Most Reverend Fathers, the Cardinals of the Sacred Congregation for the Propagation of the Faith, considered that such requests should be received favorably. Therefore, by the tenor of the present document, by Our Apostolic authority, We elevate the aforementioned parish royal temple, erected in honor of the Most Holy Virgin of Mercy in Barcelona, to the perpetual title of Minor Basilica, and We grant to it all and each of the rights, privileges, honors, prerogatives, and indulgences that belong to the Basilicas of Our beloved City. We decree

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that these present letters shall always be firm, valid, and effective.

[*Latin ed. p. 437*]

437 The acts of Pope Benedict XV establish and grant, and to those to whom they pertain, full suffrage in all things and through all things; and it must be judged and defined, and it shall be declared invalid and null, if, concerning these matters, any attempt is made, knowingly or unknowingly, through any authority whatsoever. Notwithstanding any contrary things. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the tenth day of the month of September, in the year 1918, in the fifth year of Our Pontificate. P. CARD. GASPARRI, Secretary of State. IV. AT THE END OF THE SEVENTH CENTURY, FROM WHICH TIME SAINT FRANCIS OF ASSISI WENT TO PALESTINE, THE MERITS OF THE MINOR FRATIERS IN GUARDING THE HOLY PLACES ARE COMMENDED, AND THE RIGHTS, PRIVILEGES, AND INDULGENCES GRANTED TO THEM BY THE APOSTOLIC SEE ARE CONFIRMED. BENEDICT XV. For the perpetual memory of this matter. It is established by certain and illustrious arguments that the founder of the Order of the Friars Minor, Francis of Assisi, went to Palestine and visited the Sepulcher of the Lord, so that it is not permissible to doubt this. Moreover, historians agree that he undertook this journey in the year 1219, when, almost two years earlier, he had sent a few disciples to Syria to preach the Gospel of Jesus Christ, where it was first proclaimed. From that time until this day, the Friars Minor have remained there without interruption, possessing the Province of the Holy Land, which is indeed the most noble of all the provinces of the entire Franciscan Order, which was founded by the Most Holy Patriarch. The Holy Land, which the divine Author of the Christian name Himself consecrated, contains august monuments of religion; it so happened, by the providence of God, that they passed into the hands of the Catholic Church, both by right of dominion and of property, and were entrusted to the Order of the Friars Minor for their preservation and maintenance. Indeed, there has always been great benevolence towards the Friars Minor who work for the glory of Christ in Palestine; this benevolence is demonstrated, for example, by the Apostolic Letters of Gregory IX, entitled "Si Ordinis Fratrum Minorum," issued in the year 1230, in which they are commended to the Patriarchs of Jerusalem and Antioch; and it is not obscurely indicated that they have often gone on apostolic legations to the Sultans of Egypt for the defense of Christians. And for the same reason, they acquired possession of the Holy Places, and ever since, the Roman Pontiffs, on occasion...

[*Latin ed. p. 438*]

438 Acta Apostolicae Sedis - The official commentary states that these privileges were confirmed to the same Brothers for the preservation of

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those places. Thus, Clement VI in the Constitution *Gratias agimus* of the twentieth of November, 1342; Martin V in the Constitution *Ad assiduum* of the first of July, 1420; and Innocent XI, who in the Constitution *Exponi nobis*, published in 1686, states: "The holy places of Palestine, or the Holy Land, and especially the most holy Sepulcher of Our Lord Jesus Christ, as they have previously been guarded by the Brothers of the Order of the Minor Friars by the concession of this Holy Apostolic See, so also, by the authority of the Apostolic See, by the tenor of the present document, we decree and ordain that they shall be guarded, governed, and administered in the future by the same Brothers." How varied and how extensive is the task of the Brothers who are Custodians of the Holy Land, and how much labor and expense it entails, no one is ignorant. It is their duty to safeguard the divine worship in the sanctuaries of Jerusalem, Bethlehem, Nazareth, and other places; and to receive, free of charge, pilgrims from all places who come for the sake of piety; and to provide spiritual care to the Latin Catholics of Judea, Galilee, Syria, Egypt, and Cyprus, with schools, orphanages, and similar institutions; and to carry out sacred missions to the infidels and non-Catholics, especially in Upper Syria and in Armenia. It is difficult to explain the numerous troubles and inconveniences of every kind that they have endured for so long a time. Many are numbered among those who have given their lives for the Catholic faith; and many more who, serving those afflicted by the plague, have fallen as martyrs of charity. Therefore, rightly, the Blessed Pope Pius IX, in the Apostolic Letters *Romani Pontifices* of 1846, praised them thus: "The disciples of St. Francis have responded admirably to the cares of the Roman Pontiffs, since they have spared nothing of labor and of hardships, nor even of the distinction of life itself, in order to fulfill the office entrusted to them." Similarly, the Blessed Pope Leo XIII, in the Apostolic Letters *Salvatoris ac Domini*, dated December 26, 1887, states: "The Pontiffs, from the most ancient times, turning their eyes to those places, which have been stained with the precious blood of the Word of God, have stirred up the people of the Catholic name to recover the Sepulcher of Christ, and after it had fallen again into the dominion of the infidels, and only the Brothers of the Order of St. Francis of Assisi were permitted to preserve it, they never ceased, with whatever means they could, to assist in its preservation, and the Brothers themselves, whom neither persecution, nor vexations, nor the severity of torments, could deter from their undertaking, provided for the needs of the time and place." Since those who guard the Holy Places, the Franciscan Brothers, have a work of the greatest expense in their hands, to which they themselves are, in fact, unable to provide.

[*Latin ed. p. 439*]

The acts of Pope Benedict XV, page 439, attest that the divine goodness is truly wondrous, never ceasing to inspire generosity in all orders of

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Catholics for their support. In this regard, the Roman Pontiffs have certainly been foremost, not only providing assistance from their own resources, but also urging that certain collections be made in each diocese of the Catholic world for the needs of the Holy Land, or for common piety for that same cause, adding incentives through the granting of Pontifical Indulgences. We wish to recall this, from the seventh century onward, since the time when the Seraphic Patriarch came to Palestine; all the more so, because, considering how the Minor Brothers have conducted themselves in the custody of the Holy Land during these difficult times, we have seen that they have proven themselves entirely worthy of the praise of their predecessors. Therefore, while we declare that we greatly appreciate their holy and beneficial work, and as if our predecessors had entrusted them with the care of the Holy Places, we gladly confirm this to them, with all the rights, privileges, and indulgences they have previously enjoyed. Furthermore, as the exclusive norm, following the words of the blessed Pope Leo XIII in the letters we mentioned, concerning the support of the Holy Places, which he decreed there, we, with our Apostolic authority, decree "that the venerable brothers, Patriarchs, Archbishops, Bishops, and other Ordinaries of places throughout the world, are bound by the bond of holy obedience to ensure that, in each parish church within their respective dioceses, at least once each year, specifically on the Friday of the Greater Week, or on another day chosen by each Ordinary, the needs of the Holy Places are presented to the charity of the faithful." Moreover, with express authority, we forbid and prohibit anyone from diverting or changing the alms collected for the Holy Land for any other purpose. Therefore, we command that the collections, and the alms mentioned above, be delivered by the parish priest to the nearest Commissary of the Order of St. Francis for the Holy Land; and we wish that the same be transmitted as quickly as possible to Jerusalem, to the Custodian of the Holy Places, as is customary. We declare these letters to be firm and valid, notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's ring, on the fourth day of October, in the year 1918, the fifth year of our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 440*]

440 Acta Apostolicae Sedis - Official Commentary on the LETTER '1' 'TO LUDOVICUS NAZARIUS, S.R.B., CARDINAL BÉGIN, ARCHBISHOP OF QUEBEC, AND OTHER ARCHBISHOPS AND BISHOPS OF THE CANADIAN REGION: MUTUAL CONCORD AMONG THE FAITHFUL IS AGAIN RECOMMENDED; RULES REGARDING SCHOLASTIC LAW ARE GIVEN BY THE GOVERNORS OF ONTARIO.

Beloved sons, venerable brothers, greetings and apostolic blessing.

By apostolic letters, which We addressed to you on the 8th of September, 1916, We urged the clergy and the Catholic people of your region, with

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great zeal, to lay aside all contentions and animosities, whether arising from reason or from differences of origin or language; and We also reminded them that if, for these reasons, any controversies should arise in the future, they should be settled with charity, as is fitting for holy men, who are eager to preserve the unity of spirit in the bond of peace.

We rejoice that Our exhortation has not been in vain, for, thanks be to God, it has been observed by a large group of the faithful, with not a little joy and satisfaction, so that We can therefore hope that peace and concord will prevail among Canadian Catholics in the future.

But, not long afterwards, certain events occurred, which, although they do not seem to be due to any evil intention, nevertheless disturbed the peace and sowed new seeds of discord in the minds of men.

Hence, both sides of those contending have again appealed to Us, and We, through Our judgment, have been called upon to invoke the peace.

The matter in question is the scholastic law, which the governors of Ontario have enacted since 1913 for Anglo-French bilingual schools. Indeed, some consider it unjust and are determined to oppose it with all their might; while others, on the contrary, do not consider it to be so severely objectionable, nor so vehemently to be opposed. This difference of opinion has led to division of spirit.

Since the whole matter has been brought before Our judgment, We have carefully considered the question, because of its importance, and We have also ordered that it be examined by the Eminent Fathers of the Sacred Congregation for the Consistory.

Therefore, after careful consideration of all things, We have decided and decree the following:

It is not unjust for Franco-Canadians to demand from the Government declarations regarding the aforementioned scholastic law.

[*Latin ed. p. 441*]

The acts of Pope Benedict XV, number 441, also grant certain things to them, which they desire and seek. These certainly include: that inspectors be appointed for the separate Catholic schools; that, in the early years in which children attend school, at least in some disciplines, and especially in the instruction of Christian doctrine, the use of their own language be permitted; that it may also be permitted for Catholics to establish what they call "normal" schools for the training of teachers.

However, all of these things, and any other useful things, must be requested and pursued by Catholics in such a way that they do not appear to be rebellion, nor do they use violent or unlawful means; but rather, peacefully and modestly, using all those aids which are permitted to each citizen by law and in a legitimate manner, in order to achieve what is due to them or beneficial to them.

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Now, in the present situation, we assert this all the more securely and freely, because the very highest civil authority has recognized that the school law enacted by the governors of Ontario suffers from some obscurity and that it cannot easily be determined what the limits of the enacted law may be. Therefore, within these limits and boundaries, let Franco-Canadians have freedom to obtain the interpretations and changes they desire in the school law.

However, in the future, no one in this matter, which pertains to all Catholics, should dare to resort to civil courts or bring lawsuits unless with the knowledge and approval of their own Bishop; who, in such matters, will decide nothing except after having communicated with other ecclesiastical authorities to whom the matter pertains.

Now, it is fitting to turn our discourse to all the Bishops, our brothers, of the Canadian Dominion, and to reiterate to them, with all our zeal, the exhortation which we gave two years ago; that they may indeed be one in heart and soul, and that there may be no schism among them, neither on account of lineage nor on account of language. For the one and the same Spirit has placed them to govern the Church of God, a Spirit, namely, of unity and peace. Thus, with the spirit of the flock truly united, it will be lawful and effective for you, venerable brothers, to prescribe to your priests (and we command that you prescribe this strictly) that they themselves observe harmony and strive to have it observed by the faithful, through their words and their example. For this purpose, we wish to commend again and again what we have commended in our previous Apostolic Letters: that all priests should strive to have proficiency and make use of both languages, English and French, and, having removed all envy, they should use one or the other according to the needs of the faithful.

Finally, let all Catholics remember that nothing is older than 1 TIMOTHY, v. 3.

[*Latin ed. p. 442*]

442 Acta Apostolicae Sedis - Official Commentary: They must and ought to preserve mutual charity, for in this way they will prove themselves to be disciples of Christ: "By this all men will know that you are my disciples, if you have love for one another." This, indeed, must be especially observed when the causes of discord arise, whether from differences of opinion or from opposition of interests. We earnestly warn all of the clergy, and all within the faithful community, that whoever, contrary to the Gospel and to Our prescriptions, should dare to foment or exacerbate further the divisions that have, until this time, afflicted the Canadians, will be severely reprimanded. And if, may God prevent it, anyone should refuse to obey, let the Bishops, before the matter becomes more serious, bring him before the Apostolic See.

As a pledge of divine favor and a witness of Our special benevolence,

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We impart, with most fervent affection, the apostolic blessing to you, Our beloved sons and venerable brothers, and to each of your congregations.

Given at Rome, near the blessed Apostle Peter, on the seventh day of June, in the year 1918, in the fourth year of Our pontificate.

BENEDICT XV.

TO THE REVEREND FATHER JOHN JOSEPH KOPPES, BISHOP OF LUXEMBOURGENSEM, WHOM WE GREET WITH CONGRATULATIONS AND WISHES AS HE COMPLEtes FIFTY YEARS OF THE SACERDOTATE.

Venerable brother, greetings and the apostolic blessing.

We are indeed deeply moved by your situation; for we have learned, as your fiftieth anniversary of your priesthood approaches, of the infirmity that afflicts you. Thus, it happens, according to God's will, that in human affairs joys are sometimes mingled with sorrows. We, who have long known you, and who admire your constancy in maintaining the faith, and your piety in serving the apostolic See, cannot but offer you both congratulations and consolation. Therefore, we earnestly pray to God for that which is most desirable for you, that, with restored health, you may be able to look forward with renewed vigor to the good of that Church to which you have so long devoted your zeal, your labor, and your industry, and that you may enjoy many more years similarly filled with merit.

Furthermore, for the increase of his devotion, it is permissible for him, whenever he wishes, either personally or through another, to impart, in Our name and with Our authority, the plenary indulgence, according to the usual conditions, once.

And may the blessings of heaven accompany his endeavors.

[*Latin ed. p. 443*]

The Acts of Pope Benedict. 443. As a witness to the many acts of Our benevolence, We lovingly impart the apostolic blessing to you, venerable brother, and to the clergy and people entrusted to your care. Given in Rome, at St. Peter's, on the twenty-first day of the month of August, in the fourth year of Our Pontificate. 1918. BENEDICT P. P. XV. To the Most Reverend James Cardinal Gibbons, Archbishop of Baltimore, to whom We offer heartfelt congratulations on the approaching celebration of the fiftieth anniversary of his episcopate. Beloved son, greetings and the apostolic blessing. We have recently received the pleasant news that next October, when you will celebrate the auspicious fiftieth anniversary of your episcopate, you and your people will be engaged in common expressions of joy and affection. Indeed, due to your merits, your praise is so well-deserved that it is no wonder that not only the clergy and people of your diocese, who are indeed bound to you by benefit, but also all those present there, of every

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order, honor you as witnesses to your virtue. Therefore, enjoy the fruit of piety and reverence, surrounded by so much applause; consider that a greater reward for all your labors is certainly to be expected from Him "who will repay to each according to his works." We, while giving thanks to God for you, gladly wish to add to this joy with Our congratulations: for it pleases Us to adorn with the highest acts of paternal charity those who, as you have done, have long fulfilled the duties of a good shepherd. Therefore, We send you a memento of this happy day, which at the same time testifies to Our will in you, and We pray that God may grant that it may be pleasing to you, and We authorize you, on that day, after performing the solemn sacred rites, to bless those present in Our name, granting them full remission of their sins, according to the usual conditions. And as a token of the blessings of heaven and of Our special benevolence, We lovingly impart the apostolic blessing to you, beloved son, and to all yours. Given in Rome, at St. Peter's, on the fourth day of the month of September, in the fifth year of Our Pontificate. BENEDICT P. P. XV.

[*Latin ed. p. 444*]

Acta Apostolicae Sedis - Official Commentary 444 IV AD R. P. D. HENRICUM REIG Y CASANOVA, BISHOP OF BARCELONA, TO WHOM THE DUTY OF CONDUCTING HIS PERSON IS ASSIGNED AT THE UPCOMING MARIAN CONVETION. Venerable brother, greetings and the apostolic blessing.

While the sacred festivities of Barcelona, in the most noble city, are being celebrated, instituted seventy years ago by the will of the Mother of God, the Mercedarian Order, it is certainly a good idea that you are holding a convention there, as we have learned, so that the Marian cult may be promoted daily more and more. Indeed, we rejoice that you are dedicating yourselves to this, because the Holy Church has always experienced that those who truly love Mary must necessarily flourish in virtues. It is opportune that, in this most difficult time, you strive to reconcile the patronage of the Virgin to the working people. Therefore, you are entirely worthy of the piety of your actions. For the Spanish people, as a heritage transmitted to them by their ancestors, strive with ardent zeal to promote the faith, and are distinguished by a particular devotion to the most august Mother of God. Therefore, we wish to participate in this convention, and for this reason, we choose you by these letters to preside over it in our name. And you, we paternally implore to bestow the apostolic blessing upon all those who will attend with good will, a blessing which we first impart to you, venerable brother, with the greatest affection in the Lord.

Given in Rome, at St. Peter's, on the eleventh day of the month of September, in the year 1918, in the fifth year of Our Pontificate.

BENEDICT XV

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To the Most Reverend VICTORIAN, S. R. E. CARDINAL GUISASOLA Y MENENDEZ, ARCHBISHOP OF TOLEDO, WHO WILL SOON CELEBRATE THE TWENTY-FIFTH ANNIVERSARY OF HIS EPISCOPAL ORDINATION.

Beloved son, greetings and the apostolic blessing.

Although We have already granted you, as We know, the permission to dedicate yourself to this, We have nevertheless received with pleasure your letter, in which you informed us that you will soon be celebrating the twenty-fifth anniversary of your episcopal ordination.

[*Latin ed. p. 445*]

Acta of Pope Benedict XV, 445: It will not be complete joy for you, unless We ourselves participate in your blessed occasion. We indeed come with great pleasure: and this not only to fulfill your desired wish, but also to satisfy the mutual will in you. For We know that you have done nothing during this time that does not pertain to the cause of Jesus Christ. Therefore, congratulating you on these merits, we earnestly ask God that He may, for His glory and the salvation of souls, long sustain your zeal. And that this commemoration of your episcopal consecration may be more fruitful for public piety, we grant you this day, so that, after it has been solemnly performed, you may, with the fullest permission of those present, and under the usual conditions, bestow the papal blessing. And as a witness to the blessings of heaven and Our special benevolence, We impart to you, beloved son, and to your entire clergy and people, Our most loving apostolic blessing in the Lord. Given in Rome, near St. Peter's, on the seventeenth day of the month of September, in the fifth year of Our pontificate. BENEDICT P. P. XV.

To Peter S. R. E. Cardinal La Fontaine, Patriarch of Venice, to whom We write concerning official letters from the Sacred Congregation for Spiritual Affairs.

Beloved son, greetings and apostolic blessing.

Those things which you signified to Us in recent letters, together with several of your clergy, have been received by Us with great pleasure, provided that they are worthy of good sons. For when you are engaged in the established discussions of divine matters, nothing was more pleasing to you than to accumulate a fervent zeal of souls, as a testament to your outstanding piety towards Us. Indeed, We are greatly comforted by the diligence of the clergy in these times; who, mindful of their office, with a spirit often stirred up, and with ever-increasing zeal, strive to perform sacred duties, united with the Vicar of Christ. In this, certainly, much of the hope for the common good is contained, and therefore We congratulate you heartily; especially you, beloved son, in whose Lodi a certain singular pastoral prudence and care must be recognized. It will be your duty, as it

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certainly will be, to maintain this zeal: We, however, so that the constancy of your intentions may bring forth a salutary abundance of fruits.

[*Latin ed. p. 446*]

446 Acta Apostolicae Sedis - Official Commentary: We earnestly beseech God, the giver of gifts. We, as a witness to the paternal favor and benevolence of Our own, impart to you, our beloved son, and to all who are with you, our most loving blessing in the Lord. Given in Rome, at St. Peter's, on the twentieth day of the month of September, in the year 1918, in the fifth year of Our Pontificate. BENEDICT XV. TO THE REVEREND FATHER, OLIVAS ESENDERO, BISHOP OF AYAGUANSE, WHO WAS ABOUT TO CONVENE THE DIOCESAN SYNOD. Venerable brother, greetings and the apostolic blessing. — We have learned from your letters, with great pleasure, that you are about to convene, at your urging, the Diocesan Synod here. We are certainly pleased with you for this demonstration of your pastoral prudence, for we know from experience how beneficial such gatherings can be for fostering religion and strengthening discipline. To this end, the recently promulgated Code of Canon Law will certainly be of great use, to which, as you write, you will strive to adapt the synodal prescriptions. Therefore, diligently pursue this most salutary undertaking, which you have rightly anticipated, demonstrating your piety and devotion to the Vicar of Jesus Christ. We, for our part, pray that divine benevolence may assist you, so that your plans and endeavors may proceed successfully, as is your hope. As a witness to our most sincere favor and benevolence, we impart to you, venerable brother, and to all who are present at the gatherings, our loving blessing in the Lord. Given in Rome, at the blessed St. Peter's, on the second day of the month of October, in the year 1918, in the fifth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 447*]

Acta Benedicti PP. XV, 447, VIII, addressed to R. P. DOMINICUM MARIAM TAVANI, General Vicar of the Order of Friars Minor Conventual, concerning the body of St. Francis, discovered one hundred years ago in the crypt of the Basilica of Assisi.

Beloved son, greetings and the apostolic blessing. — Since We, as well as Our predecessors, believe that the Christian spirit is greatly fostered within the Franciscan institutions, if indeed they flourish and thrive widely among the people, for it is truly a wondrous image of Jesus Christ that Francis was, and he shone forth among men in times of turmoil in a manner not dissimilar; whatever happens that renews the memory and excites devotion to the most holy man, that is certainly pleasing to Us. A most excellent opportunity of this kind is approaching, when the hundredth anniversary of the discovery of his sacred body will be completed; and since this has happily occurred in the crypt of the Basilica of Assisi, which

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is the mother and head of the churches of your Order, you are indeed right to commemorate this blessed event, as time permits. It is certainly a worthy matter to be celebrated with illustrious acts of piety and joy; and We approve your plan to postpone the more solemn celebrations until the year 1920, at the close of the century, from which Our predecessor, Pope Pius VII, of blessed memory, by apostolic letters, declared that the body recently discovered under the main altar of the lower Basilica of Assisi "consists of the same substance," and that it is truly the body "of St. Francis, Founder of the Order of Friars Minor."

Meanwhile, in order that the sacred celebrations, which will take place in the coming month of December, may be more solemn, not only in your Patriarchal Basilica of Assisi, but also in other houses, both of your own and of other Franciscan families, We grant that those who attend these celebrations may gain an indulgence of seven years for each such attendance, and also a plenary indulgence, to be obtained only once, upon due confession, by those who have received the sacraments at the altar. May the most holy Patriarch favor us with his prayers, that he may obtain this for his students and devotees, so that, living justly and piously, they may contribute greatly to the salvation of human society, according to their ability. And as a witness to the celestial blessings and the most excellent benevolence of Our own, We impart to you, beloved son, and to the entire religious family, Our most loving blessing in the Lord.

Given at Rome, at St. Peter's, on the fourth day of the month of October, in the year 1918, in the fifth year of Our pontificate.

BENEDICT XV, Pope.

[*Latin ed. p. 448*]

448 Acts of the Apostolic See - Official Commentary IX TO THE REVEREND FATHER JAMES STAMLER, BISHOP OF BASLE AND LUGANO, AND OTHER BISHOPS OF SWITZERLAND, WHO SENT COMMON LETTERS FOR THE PURPOSE OF TESTIFYING TO THEIR DEVOTION TO THE APOSTOLIC SEE. Venerable brothers, greetings and the apostolic blessing. — You have shown your devotion to the Apostolic See, and we appreciate it, even though you had postponed the meeting of clergy to a later time, yet you did not neglect to communicate with Us through common letters. In these letters, there was, of course, a most sad mention of the death of the Bishop of Sion, your most pious colleague, which We deeply lament with you. Furthermore, We cannot but praise your diligence; for in all that We have commanded or suggested, We have always found you eager and prompt. As recently as when We promulgated the Code of Canon Law and appointed a solemn supplication on the feast of the Principal Apostles: on that day, not only did you and your clergy join us, but, as you write, a large number of the people also attended the sacred services at the altar, which gives Us great pleasure. And We are

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grateful to you, venerable brothers, for the joy you express regarding the captives who, at Our request, are being cared for for health reasons in the territories of Switzerland. May God reward you for your works. As a witness to Our special favor and benevolence, We impart the apostolic blessing to you, venerable brothers, and to your flocks, beloved in the Lord. Given in Rome, at St. Peter's, on the thirteenth day of the month of October, in the year 1918, in the fifth year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 449*]

449 Acts of Pope Benedict XV, number 15, addressed to Lewis, concerning the knowledge that Most Reverend Cardinal BÉGIN, Pontiff from the Archiepiscopal See of Apostolic Quebec, has communicated.

Beloved Son, greetings and the Apostolic Blessing.

Your devotion, both to Us and to this Apostolic See, is clearly evident in all your letters, in which you express gratitude for the release of the distinguished man after a long captivity, and you inquire about the state of our Institute during the war. Indeed, this matter is so clear and evident that it requires no further explanation.

The fury of arms had already spread throughout Europe when We were elevated to the Supreme Pontificate; and since it was not permitted Us to contain, let alone extinguish, this fire, We began to strive to mitigate, as much as possible, the inconveniences associated with this great evil. Hence, We devised various acts of charity to alleviate the miseries and sorrows of those afflicted. You, in enumerating these acts, rightly affirm that We have made no distinction among the warring parties in bestowing them.

With the same purpose, namely, to bring about the salvation of the entire human race, We, whenever the opportunity seemed opportune, urged peace, that is, peace joined with justice, and We lamented that the voice and exhortation of the Father were so often disregarded, especially when We proposed what seemed to be the very foundations for resolving the situation.

We were displeased by the response to Our charity; for who would have believed that the very act of paternal love, intended to reconcile men with each other, would be turned against Us and used as a pretext for popular hatred? Although this is the case, the wickedness of some is truly astonishing, who have vehemently accused Us before the public of favoring one side or the other, and the rashness of many who have added their credence to these baseless accusations.

Indeed, this lack of judgment is something that should be reprehended, even among the Catholics of both languages in Canada, as We have learned from your very letters; and this is consistent with the utmost respect and piety that you demonstrate towards this Apostolic See, which you so elo-

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quently confirm. Therefore, comforted by the support that loving sons offer Us, We wish to express Our gratitude to them, in Our own name.

As for others, We do not despair that they will eventually understand how much they have been in error; for it is entirely true, as stated in the *Acts*, volume X, number 11. — 2-11-9Î8. 29

[*Latin ed. p. 450*]

450 Acta Apostolicae Sedis – No official act can ever be so obscured and suppressed that, at some time, a more beautiful one cannot emerge. However, having no thought for what men, attached to preconceived opinions, may judge of us, we shall persevere in fulfilling whatever we owe to the apostolic office, relying on the protection of Him who has promised to be with us "all days, even to the consummation of the world." As a pledge of divine graces and a witness to Our singular benevolence, We impart to you, Our beloved son, and to the entire clergy and people of the Church of Canada, Our apostolic blessing. Given in Rome, near St. Peter's, on the sixteenth day of the month of October, in the fifth year of Our pontificate. BENEDICTUS P. P. XV MCMXVIII.

[*Latin ed. p. 451*]

Sacred Congregation of the Consistory, 451. ACTS OF THE SACRED CONGREGATIONS. SACRED CONGREGATION OF THE CONSISTORY. DESIGNATION OF CERTAIN ORDINARIANS FOR APPEALS FROM METROPOLITANS. Since, according to canon 1594, § 1, it is established that "in cases treated in the first instance before the Metropolitan, an appeal shall be made to the local Ordinary, whom the Metropolitan himself, with the approval of the Apostolic See, shall have designated once and for all," the Most Reverend Archbishop of Milan has designated the Ordinary of Pavia. The Most Reverend Archbishop of Modena has designated the Ordinary of Regia in Emilia. The Most Reverend Archbishop of Syracuse has designated the Ordinary of Noto. The Most Reverend Archbishop of Mondovi has designated the Ordinary of Agrigento. The Most Reverend Archbishop of Toulouse has designated the Ordinary of Carcassonne. The Most Reverend Archbishop of Gran has designated the Ordinary of Győr (Raab).

His Holiness Pope Benedict XV, having heard the report of the Eminent Secretary of the Sacred Congregation of the Consistory, has deigned to approve the designations mentioned above.

PROVISIONS FOR CHURCHES. By decrees of the Sacred Congregation of the Consistory, His Holiness Pope Benedict XV has provided for the following churches with their proper pastors:

July 29, 1918. – To the titular archbishopric of Amida, he appointed the Reverend Father John Baptist Pitaval, formerly the Archbishop of the Holy See in America.

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September 3. – To the cathedral church of Poitiers, he appointed the Reverend Father Oliver Mary de Durfort de Civrac de Sorge, formerly the Bishop of Langres.

September 24. – To the cathedral church of Lublin (of the Latin rite), he appointed the Reverend Marian Fulman, parish priest of Saint Sigismund in Czestochowa.

To the cathedral church of Podlachi, also known as Janow (of the Latin rite), he appointed the Reverend Ignatius Puzézdziecki, Apostolic Protonotary, and General Vicar of the archdiocese of Warsaw.

[*Latin ed. p. 452*]

Acta Apostolicae Sedis - Official Commentary, September 24, 1918. — To the Cathedral Church of Kamenets (of the Latin Rite), the Reverend Peter Mankowski, formerly parish priest in the city of Kamenetz and official of the Episcopal Curia of Zhytomyr. September 29. — To the Cathedral Church of Riga (of the Latin Rite), recently established, the Reverend Edward O'Rourke, parish priest of the Church of St. Stanislaus in the city of PetrÃ³polis. September 30. — To the titular episcopal Church of Eucarpius, the Reverend Ernest Seydl, formerly urban administrator, parish priest of the Imperial and Royal House of Austria. October 1. — To the Metropolitan Church of Compsa, to which the administration of the Church of Campania is perpetually united, the Reverend Carmino Cesarano, formerly Bishop of Ozieri. October 7. — To the Metropolitan Church of Salzburg, the Reverend Ignatius Rieder, formerly titular Bishop of Suren and auxiliary in the same Salzburg Church. October 23. — To the Cathedral Church of Vilna, the Reverend George Matuiewicz, General Moderator of the Congregation of the Most Holy Fathers of the Congregation of the Most Holy Mary, Immaculate Conception.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: APPOINTMENTS

By Apostolic Briefs, the following were appointed: August 12, 1918. — Auxiliary Bishop with the right of succession to the Apostolic Vicar of the Island of Fidgis, the Reverend Charles Joseph Nicolas, of the Society of Mary. August 24. — Apostolic Vicar of Kasai Superiore, the Reverend Augustus de Clercq, of the Congregation of the Most Sacred Heart of Mary. — Apostolic Vicar of Western Nigeria, the Reverend Thomas Broderick, of the Society of Missions to the Africans. — Apostolic Vicar of the new Apostolic Vicariate of "Betafo" on the island of Madagascar, the Reverend Francis Dantin, of the Missionary Congregation of "La Salette." — Apostolic Vicar of "Femando Poo," the Reverend Nicholas Gonzalez Perez, of the Congre-

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gation of the Sons of the Most Sacred Heart of Mary.

[*Latin ed. p. 453*]

453. In the Holy Roman Rota, at CAIETANA, during the pontificate of Pope Benedict XV, in the third year of his dominion, on the 10th of August, in the year 1917, the Most Reverend Fathers, Aloisius Sincero, presiding, Frederick Gattani-Amadori, and Peter Rossetti, Auditors on duty, in the case of Gaietana and Matricitatis, between the Reverend Valerian Ferracci, Abbot Parochial of Saint Angel in the place called Valliscursa, represented by his legitimate procurator, the advocate Thomas Ambrosetti, and the Reverend Jerome Ricci, Abbot Parochial of Saint Mary of the same place, previously represented by the procurator Thomas Ambrosetti, and then by himself, asserting his rights, and the Reverend Joseph De Bonis, archpriest of Saint Martin of the same place, appearing in person, asserted his rights, and rendered the following final judgment.

In the town, which is called Valliscursa, in the diocese of CAIETANA, there exist three parish churches from ancient times: namely, the church of Saint Martin, the church of Saint Angel, and the church of Saint Mary. The rector of the church of Saint Martin holds the title of archpriest; the other rectors of the churches are called abbots. To each church, besides the rector, there are two other priests attached, who are called canons, and these, together with the rector, form a kind of chapter; the chapters of the three churches, as it were, coalesce into one body or chapter. Among the clergy of the three churches, there has existed from ancient times a certain society or communion, by virtue of which the clergy of one church participate in the solemnities of the other, alternately celebrate festivals, and sing Mass in turn in each church, except for certain solemnities. But because communion is the mother of discord, there have been very ancient and equally serious disagreements between the three churches and their clergy, so that here...

[*Latin ed. p. 454*]

454 Acta Apostolicae Sedis - Commentarium Officiale. What may be applied are those things which, in a similar case, had already been noted by Cardinal De Luca, namely, that this union or society, which in former times had been commended for charity and for the greater worship of God, had, with the passage of time, brought about great discord and rivalry, so that not only the clergy of the churches themselves, but also the parishioners, or those living within its boundaries from childhood, contracted a certain natural rivalry (De Praeem. disc., 42, n. T). As abuses in ecclesiastical functions increased, from the year 1679, and on January 5th, a certain concord was begun, approved and signed by the rectors and canons of the three churches concerning the customs observed and to be observed in the functions of the churches of Valliscursa. However, in the year 1688, in the month of May,

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on the occasion of a pretense then raised by Abbot Constantino Cimaroli of the church of Sancti Angeli, of performing ecclesiastical functions in his church on the Sunday of Palms and on the Saturday of the Greater Week, a dispute arose, and several witnesses, whose testimonies will be explained below, were formally examined, until, in the year 1692, on January 14th, the controversy was settled by a concord or transaction, through a public instrument drawn up by the notary Bernardi Trapani, by which the abbot and canons of Sancti Angeli promised for all future times to observe whatever had been preserved by the archpriest of Sancti Martini, Andrea Cecio, and by the abbot of Sancti Angeli, Andrea Cherubino, and their predecessors, "and not to contradict" in the functions of Holy Saturday and the Sunday of Palms, "as they have always been and are performed in the church of S. Martini, as well as in all other ecclesiastical functions, prerogatives and recognitions, which have been observed from ancient times," etc. In order to ascertain these customs observed by Archpriest Cecio and Abbot Cherubino, in the year 1693, on June 18th, at the request of the archpriest and canons of the church of S. Martini, a testimony was requested from the abbot and canons of Santa Mariae by the notary Francisco Dori, stating certain prerogatives and rights then preserved in favor of the church of S. Martini, a testimony of the greatest importance, as will be seen below. Then, let us set aside the question that had arisen since the year 1638 concerning the sacred vestments, with which the abbots would receive the common relics in the church of S. Martini and would carry them processionally on certain days, as well as another controversy concerning the right to exercise parochial jurisdiction in the house of the governor of Valliscursa and in the governor himself at that time by the abbot of Santa Mariae, six months after his arrival in the aforementioned territory of Valliscursa, these controversies being in favor of the possessory.

[*Latin ed. p. 455*]

The Roman Rota, in 455 cases, has defined the rights of abbots by sentence of the Apostolic See on December 1, 1751, and by sentence of the Sacred Roman Rota on February 26, 1753, before Canilliac. At that time, a serious dispute arose between the archpriest and the abbots, instigated by the archpriest, who claimed that the inhabitants who continuously resided at the gates of the parish, not only those within the town, but also those who undoubtedly resided in other parishes, belonged to his parish. By sentence of the Apostolic See on December 1, 1750, the archpriest obtained the right to perpetually exercise all parochial rights in all and every house and dwelling outside the walls, outside all and every gate of the land of Valliscursa, and in the entire territory of Valliscursa outside its walls, such as in the inn, tannery, and hospice, and with respect to travelers and merchants in the aforementioned town, within the boundaries of those parishes, which belonged to the churches of Saint Angel and Santa Maria,

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for those who resided there for a period of six months. However, when the case was brought before the Sacred Rota, since the sentence of the Apostolic See had passed into a final judgment, the question of restitution was debated, and therefore the case was not only about possession, but also about title, namely, proper or improper title. Unfortunately, without the expected decision that might have foreseen future disputes, the case ended through an agreement on September 13, 1753, in which the rights of both the archpriest and the abbots were settled in an equitable manner, but which opened the way for new discord and litigation. Shortly thereafter, when the parish priests of Saint Angel and Santa Maria requested from the Sacred Congregation of the Council that a baptismal font be erected in their churches, which was present in the church of Saint Martin, the matter of the parish affiliation of the church of Saint Martin was also widely discussed. However, the Sacred Congregation, with sentences dated February 28, 1903, and January 22, 1904, granted the parishes of Saint Angel and Santa Maria a baptismal font, but reserved the question of parish affiliation. Finally, when in 1912 the Sacred Congregation of the Council, in order to resolve the issues that had divided the clergy and people of Valliscursa for centuries, and to restore peace, if possible, between the archpriest and the abbots, ordered an apostolic visitation in the aforementioned town, and the apostolic visitor proposed, among other things, that the church of Saint Martin should no longer be called the parish church, but should be considered of higher rank, the modern archpriest of Saint Martin brought complaints before the Sacred Congregation of the Council, alleging that the apostolic visitor had harmed his church's rights, and especially its parish affiliation. Therefore, the matter was debated before the Sacred Congregation of the Council, primarily concerning the question of parish affiliation: Whether or not the church of Saint Martin is a parish church in this case.

[*Latin ed. p. 456*]

456 Acta Apostolicae Sedis - The Official Commentary of the Holy Congregation, on March 14, 1914, responded: "According to the meaning [of the question]. The meaning is: 'The church of St. Martin should continue to have the designation of a mother church, 'saving the right for the parties to have the matter decided by the Tribunal of the Holy Roman Rota, in accordance with the order of law.' The case was again presented on June 13 of the same year, and the Holy Congregation also decreed that the definitive judgment of the Holy Roman Rota regarding the status of a mother church should be awaited. Therefore, the Most Holy Office has taken up this cause, which, as is evident from the foregoing, is complex and difficult, and it now comes before us under the proposed and agreed-upon question: Whether and in what sense does the status of a mother church exist in the case of the church of St. Martin? The term 'mother church' is

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not used in law in a single sense, but has a meaning that is sometimes more strict and sometimes more broad. As we set aside for the moment the status of a mother church of a cathedral, which is frequently called a 'proper mother church' in law, but is rather a fictitious and privileged status, as De Luca rightly points out (Praeeminent., Summ. I, 13), a church is commonly said to be a mother in three ways, as De Luca explains in De decimis, disc. 12, nos. 12-13: 'Firstly, rather improperly, because of the extent of a parish, other, lesser churches may be established or dissolved within its boundaries, within which vicars or clergy are assigned, for the more convenient exercise of pastoral care and the administration of the sacraments, without, however, their formal erection as a parish. And although these churches are commonly called 'daughter churches,' and the ancient parish is comparatively called the 'mother church,' this is an improper expression, because the true difference between a mother and a daughter is not present, but rather the parish remains in its own unity, and these lesser churches are called 'auxiliary' or 'members.' The second type of mother church is in comparison to other parishes existing in the same place, but independent of it, which are called 'mother churches' because of their antiquity or some greater prominence, and this too is improperly called a 'mother church,' since the other churches are not daughters; rather, it is called the 'greater' or 'primary' church in the place, so that greater solemnities must be celebrated there, and other, lesser churches should be subject to it. The third type is... in which one is properly called a mother church in comparison to another as a daughter, where two or more parishes are formed from one, because the first is truly the mother of the others, since they are formed from a part of its territory and people. Therefore, these three terms must be distinguished because of the great difference that exists between them: and it does not follow from the fact that some church has the name of a mother church or some privileges, that the effects of being a mother church necessarily result."

[*Latin ed. p. 457*]

The Roman Rota, number 457: "Indeed, since this term can be applied to other cases, as mentioned above, and therefore 'different effects' may result. Thus, when the term 'matricula' is explained, the question has two parts, the first of which is whether the church of Saint Martin is a 'matricula' of the Church, meaning only whether the church of Saint Martin has the right to be called a 'matricula,' setting aside the question of whether it is a proper or improper 'matricula.' Furthermore, the first part of the question, concerning whether the church of Saint Martin is a 'matricula,' is undoubtedly established, and it has the right to be called a 'matricula.' For, as we have seen from nearly irrefutable arguments, which support the 'matricula' status of the church of Saint Martin, we have heard all the witnesses, who were duly and properly examined by the Holy Congregation of Rites in the

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years 1689 and 1690, unanimously calling the church of Saint Martin the 'matricula,' while the others are considered filial churches. Marcus Aurelius Rita, the parish priest of the church of Saint Mary, testified under oath (March 14, 1690): "I testify, as a citizen of that land, and for more than 33 years I have been the abbot and parish priest of Saint Mary in the town of Vallis, I know very well and I have seen that in that town there are three parish churches, one under the title of Saint Martin, which is considered the 'matricula' by all the citizens, another under the title of Saint Angelo, which is a filial church, and another similarly a filial church under the title of Saint Mary, which is now administered by me, I testify... And I know and have seen that in that 'matricula' church of Saint Martin... And I know that all the things mentioned above are well known, and from the time I can remember, these things have always been observed, and even from people older than me who have been and are in the town of Vallis, I have heard them say that this has been the case from time immemorial..." Caesarius Ianucci: "that in that town there are three parish churches, one under the title of Saint Martin, which is the 'matricula' and the primary church in the town of Vallis, so considered and esteemed by all... another under the title of Saint Angelo... which is a filial church... and another similarly a filial church under the title of Saint Mary..." The same was testified by Franciscus Quattropani and Franciscus Mattia, canons of the church of Saint Mary, in a testimony given jointly with Marcus Aurelius Rita on April 3, 1689, by Nicolaus Madeccia, Bonaventura Giuliani, Marcus Antonius Capirchio, etc. And Honoratus Paganus, Notary and Chancellor of the Fundamental Curia (to which Vallis then belonged), testified: "that, after examining the books of Sacred Visitations and other original writings of the Bishops of Fundani, both past and especially from the year 1599 up to the year 1687, I have found repeatedly and always described and designated the Church of Saint Martin in the town of Vallis..."

[*Latin ed. p. 458*]

458 Acta Apostolicae Sedis - Commentarium Officiale « concerning the foundation, the baptismal parish, the registry, and « the principal... ». Then, of the highest importance is the testimony of the Abbot and canons of Saint Mary, requested by the notary Francis Dari on June 18, 1893, in continuation of the transaction initiated on January 14, 1692, as we mentioned above, and the statutes of the year 1725. In that document, Marcus Aurelius Rita, Canon Franciscus Quattropani, and Rocchus Meliori testified: « Firstly, concerning how « the Archpriestal Church... under the title of Saint Martin, as the most « ancient, principal, and only baptismal church, has always been respected, named and maintained commonly without any contradiction as the Matrice in relation to the other two parish churches of Saint Angelo and of Saint Mary in that town, « not only by all universally, but also by the Bishops in office at the time, and « as such has always peacefully enjoyed...

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from time immemorial, « of which there is no memory to the contrary, and enjoys at present in relation to « the aforementioned two other parish churches... among other prerogatives and recognitions... ». In the statutes, which are without contradiction referred to the year 1725, it is written: « Furthermore, the truth « is that of the three parish churches mentioned several times, the church of Saint « Martin has always been considered the most « ancient, primary, and principal church, to which the Bishops in office at the time have also given the name of « Matrice, and for this reason it has been described in more and various writings... ». Moreover, since that testimony was produced by the very parish priests of Saint Mary and Saint Angelo in the year 1748 before A. C. Cincio and Amadeo, and they requested a reminder concerning the execution and observance of said testimony or instrument, and they cited it in their Summary in the case pending before the Sacred Rota in the year 1753; and since these statutes are: « Written and signed by us, the current pastors and canons respectively of the three Parish Churches of that town, by order of « Mons. Carrara, Bishop of Fondi... », it is clear to conclude that even the parish priests of Saint Angelo and Saint Mary recognized in favor of the church of Saint Martin the designation of Matrice. Moreover, this is openly stated in their Writings, or Restrictive Documents, before the Sacred Rota in the year 1753: « for that designation (of Matrice) could rightly and properly be attributed to that church for honorific reasons ». The designation of Matrice, by which the church of Saint Martin has been known from all antiquity and from time immemorial, until the present, has been maintained and is maintained. For, as other arguments may be omitted, since the ancient Bishops called it the Matrice in the reports of Sacred Visitations, as can be seen in the reports of the years 1667, 1705, 1768, so the modern Archbishop Caietanus also calls it the Matrice in ecclesiastical documents.

[*Latin ed. p. 459*]

The Roman Rota, in decisions 459 from the years 1914 and 1916, has considered the matter. The statutes of 1715, as noted above, establish the nature of a certain concord and agreement between parties, and these statutes are currently in force, with certain modifications that are not relevant to our case. Therefore, the declarations issued by the Ordinary in the Sacred Visitations, and in canonical provisions, along with the testimonies of witnesses and the repeated confessions of the former abbots of Saint Angel and Saint Mary, constitute sufficient proof for this purpose (Pignatelli, Consult., 109, n. 2, vol. 9; Scarfanto, vol. 3, add. 21, n. 18 et seqq., add. 22, n. 84; Rota, decisions 14, n. 1 et seqq.; decisions 483, n. 2 et seqq., before Ansaldo; and Recent decisions, 397, n. 2 et seqq., part 13, etc.). It is evident from the aforementioned statements, and confirmed by the statutes themselves, especially by the venerable tradition, that the Church of Saint Martin legitimately obtained and maintains the designation of "matrix," not through

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usurpation, nor by concession from the abbots. Nothing is more certain than that, in matters of precedence, the specific statutes of each church, as stated in Abb. in c. Quod Clericis, n. 23, concerning the jurisdiction, must be considered, as well as the ancient customs of the place, as noted by the Rota in Neritonean Precedence, concerning good right, July 3, 1713, and in Cracovian Precedence, February 15, 1715, before Scotto, and in Bisinian Preeminences, January 27, 1727, before Calcagnino; for venerable tradition and custom are everything in matters of precedence (Rota, decisions 102, n. 17 and 18, part 10; decision 87, n. 6, part 17; decision 781, n. 5, part 18; decision 99, n. 10, part 19, vol. 1, etc.), and consequently, this tradition must not only be considered as a declaration of the right to the designation of "matrix" for the Church of Saint Martin, but also as granting it the right to claim any better title from the world in order to maintain this privilege of being the "matrix" (Rota, before Emerix, June decisions 1188, n. 1, in Troiana - Delationis Crucis concerning good right, 10, decision 1709, before Aldrovando, in Tranen Preeminences, June 23, 1719, n. 9, before Gamasches); and this right possesses the force of law (Rota, Novarien Preeminences, June 26, 1726, n. 25, before Ratto). Furthermore, the right of the Church of Saint Martin to the designation of "matrix" is confirmed by several of its privileges and preeminences, which also seem to indicate the nature of a special title. Let us enumerate some of these principal privileges, some of which it obtained previously:

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis - The official commentary, in part, now also privately possesses: a) Until the years 1903 and 1904, the church of St. Martin had the exclusive right to possess a baptismal font; this, indeed, greatly contributes to proving the primogeniture or seniority of that church, as the Rota states in the aforementioned decision concerning Novarien - Concerning Primogenitures, before Ratto, no. 15; b) In the church of St. Martin, the functions of Holy Saturday and the Saturday of Pentecost are performed, to which the other two pastors were obliged to attend until the year 1907; furthermore, even now, the celebration of the feast and procession of the Body of Christ takes place exclusively in that church, a procession which begins in the church of St. Martin and ends there. The Rota affirms that a procession on the feast of the Body of Christ is the most significant of all privileges for proving primogeniture, and is the most effective argument for establishing primogeniture, in the aforementioned decision before Ratto, nos. 18 and 19; c) Until the year 1914, the archpriest of St. Martin exercised jurisdiction over the inhabitants of the place for the first six months after their arrival, even if they resided within the territory of other parishes; this custom, prevailing in the parish church, confirms its primogeniture with respect to other churches, as the Rota states in the same decision cited before Ratto, nos. 16-17. Regarding the other part of the question, concern-

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ing the meaning in which the primogeniture of the church of St. Martin is understood, whether in a figurative or a proper sense, it must first be noted that canonical jurisprudence does not define primogeniture in a strict sense. For, according to numerous decisions of the ancient Rota, true and proper primogeniture is understood to exist when there is a single church which, together with the other churches subject to it and assisting it, constitutes a single formal church, materially only divided into the aforementioned subordinate churches, erected for the more convenient care of souls, so that the pastor of the principal church is the only habitual pastor, while the other pastors are simple vicars, taken into the service of the care of souls: Decisions 226, no. 1; 258; 272, no. 3, part 1; 284, no. 10, part 14; 281, no. 1, part 15, etc., in Scarfantonium, III, add. XXII, no. 39. According to other decisions of the Rota, true and proper primogeniture implies a form of subjection and dependence of one church, which has originated from another, as from a mother, and has been born for the assistance of that mother; as in Nullius Putiniani - Concerning Primogenitures, December 7, 1731, no. 2; Tirasonen - Concerning Jurisdiction and Primogenitures, January 25, 1734, no. 20, before Crescentio. However, true primogeniture is more properly understood when: a) a filial parish has originated from the matrix parish through true and proper division; and therefore, b) the filial church has been erected with a title; and consequently, c) it is entirely independent.

[*Latin ed. p. 461*]

The Roman Rota (461) is replete with discussions concerning the exercise of the care of souls (De Luca, *Cit.*, on tithes, disc. 12, n. 12-13; *Summa praeeminent.*, I, n. 14-15; *Miscellanea*, disc. i, n. 3; Berardi, *Ius eccl.*, lib. III, diss. III, cap. III; Sebastianelli, *De re beneficiali*, n. 238). And in this sense, the status of a "mother church" must be distinguished from dignity, which can also be acquired by a dependent church with respect to the mother church (Berardi, Sebastianelli, *cit.*, *ib.*). Finally, according to several other decisions of the Rota, true and proper "mother church" status is indeed acquired through the separation of a dependent church from the mother church, but it is also required that the dependent church be endowed with revenues and assets of the mother church. Thus, in the decision *Molines*, 990, n. 3: "among other things, it is required that it be endowed with the revenues and assets of that [mother church]." And in the decision *Crispo*, 28, n. 13: "in order that a church may be called a dependent church, it ought to be erected through a prior division of a part of the parish, and with a participation of its revenues; but if these are lacking, the parish church cannot properly be called a dependent church of the mother church." Thus also in *Gomen. - Funerum*, April 17, 1702, n. 12, before Mathoejo. However, the endowment of a dependent church by the mother church occurs only if the revenues of the mother church are sufficient, and if no one is found who wishes to endow the newly erected

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church through division. (Fagnano, in *cap. Ad audientiam*, n. 31 and following). If, therefore, the mother church has endowed the dependent church with its goods and revenues, it will obtain the right of patronage, not by reason of the division or "mother church" status, but by reason of the endowment, according to common law (Fagnano, *ib.*, n. 36; Santi, lib. III, tit. V, n. 102, etc.). Therefore, given this diversity of opinions concerning the notion of true and proper "mother church" status, one must proceed with caution in citing authorities, both for and against the true and proper "mother church" status of a particular church (De Luca, *De praeem.*, disc. 42, n. 14, etc.). With these premises, we understand true and proper "mother church" status to be that which occurs through the true and proper division of a church, in this case, a parish church, by virtue of which the newly established parish church is erected, exercising the care of souls independently, whether or not it is endowed with the revenues of the mother church, and whether or not the mother church subsequently has the right of patronage over the dependent church. Furthermore, the present controversy concerning the "mother church" status of the church of St. Martin must be contained within these defined terms. For the churches of St. Angel and St. Mary are entirely independent in the exercise of the care of souls from the church of St. Martin, as the statutes of 1725 themselves acknowledge: "The pastors of the other two churches have no dependence on the Archpriest of that mother church in those matters which concern their office, exercising their pastoral functions independently of any..."

[*Latin ed. p. 462*]

The Acts of the Apostolic See - Official Commentary, "and others." Furthermore, the church of St. Martin has neither had nor possesses any right of patronage over other churches, as the aforementioned statute indicates: "Although it is supposed that all three of these churches were erected and endowed by the aforementioned community (Valliscursae), while they consider them to be within their right of patronage," etc. Therefore, the question of the true and proper matricity of the church of St. Martin is reduced to this: whether the churches of St. Angel and St. Mary originated from it through a process of dismemberment. Indeed, the fact of dismemberment is first proven by the original document of dismemberment, and if that is lacking, it can also be proven by other signs and arguments. However, such signs and arguments must be so clear and unambiguous that they cannot receive another meaning or interpretation, nor can they be referred to any other cause, as cited in Nullius Putiniani, etc., before Grescentio, nos. 3, 4; De Luca, De Decimis, discourse 12, no. 13, in fine; De Parochis, discourse 27, no. 9. For among the signs that are usually presented as evidence of the matricity of a church, there are signs that indicate the retention of the vestiges of the ancient dominion and jurisdiction of the matrix church (De Luca, De praeeminent., discourse

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42, no. 12), or the retention of certain parochial rights or vestiges (De Luca, Summa praeeminent., I, no. 15), such as the right of burial, the right of collecting tithes (De Luca, ibid.), or signs of ancient subjection and recognition towards the matrix, such as, in addition to tithes, an annual canon or census (Fagnanus, in cap. Ad audientiam, no. 8), the offering of wax annually on the day of the solemnity (De Luca, De praeeminent., discourse 42, no. 8, De parochis, discourse 36, no. 1; Wernz, Ius Decret., vol. II, title XIII, no. 265), and signs that are simply reverential, which indeed indicate a simple prerogative and preeminence. The former can be called signs of recognition, the latter are simply reverential, as cited in Scarfantón, II, book IV, title XI, nos. 2 and 3; De Luca, De parochis, discourse 36, no. 8, etc. In general, and for the most part, the former are signs of clear and proper matricity, while the latter are merely equivocal signs; to the former are added, as stated, the right of burial and the right of tithes, the annual census or offering of wax, and the like; to the latter are added prerogatives such as the font of baptism, the functions of the Holy Sabbath and the Sabbath of Pentecost, the blessing of the palms, and the procession on the feast of Corpus Christi, and the like. For the former signs imply that the entire territory formerly belonged to the matrix, and that another church was newly erected from that part through dismemberment, within whose limits some parochial rights are retained for the preservation of its dignity or majesty (De Luca, De praeeminent., discourse 42, no. 12, Summa de decimis, II, no. 16); but the latter signs do not necessarily...

[*Latin ed. p. 463*]

The Roman Rota, in its judgment 463, argues for a true and proper dependence, and therefore for a true maternal relationship; but these can also be explained by a more remote and improper dependence, resulting from the fact that, either by reason of antiquity, or for some other reason, one church was the senior church in the place (De Luca, *De praeeminentia*, discourse 42, nos. 12, 14, 15; *Summa praeeminentiae*, I, no. 16; Rota in Novarien, cited in *Praeeminentia*, before Ratto, Scarfanton, vol. III, supplement XXII, nos. 9 and following). Hence, it is said that these signs also indicate a certain remote subjection and dependence of the daughter church towards the mother church, namely only with regard to the recognition of superiority, and not with regard to the exercise of pastoral care; these, on the other hand, imply no subjection or dependence whatsoever, but only reverence (De Luca, *De praeeminentia*, discourse 43, no. 1; *Summa praeeminentiae*, I, nos. 14, 15; *Miscellanea*, discourse 1, no. 31; *De parochis*, discourse 40, no. 4; Scarfanton, vol. II, book IV, title XI, no. 3; vol. III, supplement XXII, no. 10). We have stated the above in general terms and for the most part. For, absolutely speaking, it can happen that the mother church, in the daughter church created by dismemberment, does not reserve to itself, at the very beginning of the daughter church's

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establishment, the right to collect tithes (De Luca, *Summa Decimationis*, II, no. 16), nor the right to administer burials, nor any true and proper right (De Luca, *Summa praeeminentiae*, I, no. 15). There, he writes: "And this third form of subordinate maternal relationship, and respectively of filial relationship, is distinguished by the fact that only the reason of origin and procreation, without any other right retained, induces this relationship." Thus, it can happen that some church, by another title and for another reason, such as prescription or privilege, obtains some of these rights. Conversely, it can happen that some church, in the daughter church created by dismemberment, reserves to itself only the baptismal font, or some of the prerogatives mentioned above; these are the ambiguous signs. Hence, if the fact of dismemberment is established from some other source, these prerogatives, although in themselves only ambiguous signs, must be referred to the dismemberment, as to its cause (De Luca, *De parochis*, discourse 40, no. 4 and following); if, however, the fact of dismemberment is not established from some other source, then from these alone it cannot be proven that there is a true and proper maternal relationship. Therefore, if the fact of dismemberment is not established, the proof of a true and proper maternal relationship is so difficult that Scarfantonius, although he does not require a donation from the mother church for the notion of a true and proper maternal relationship (vol. II, book IV, title XI, no. 2; vol. III, supplement XXII, no. 40), nevertheless, with regard to the proof of maternal relationship, he lays down as a general rule that in the case where some church is separated by certain limits and has its own rector with a collateral title, and

[*Latin ed. p. 464*]

464 Acta Apostolicae Sedis - Official Commentary, perpetually... or it may not be established regarding the foundation or endowment of the church itself, with a prior dismemberment of a part of the parish and the church's property, which claims rights of matriculation, it can never be inferred that the first or second species of matriculation is verified... and only the majority and dignity of the church operate concerning these reverential matters, according to the norm of custom, etc., vol. II, ibid., nos. 7-10; vol. III, ibid., 47-48. Although we cannot subscribe to these sentiments, it is certain that this matter is not capable of a general rule, which must be applied uniformly and indefinitely to any case (De Luca, De praeeminent., disp. 42, no. 8), and therefore these questions are more of fact than of law, not having a certain and uniform rule, and must be decided according to the quality and circumstances of each individual case (De Luca, De decimis, Summ. II, no. 16, De decimis, disp. 12, no. 9, De parochis, disp. 40, no. 4, etc.). With these premises, the present controversy regarding the proper or improper designation of the church of St. Martin can be resolved in a few points. Firstly, no authentic document regarding the original act of

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dismemberment has been presented, nor can it be (Statutes of 1725): the attestations, however, which are referred to this act, are either unreliable or ineffective, and are sufficiently refuted by contrary attestations, especially by the report of the Visitation of the Sacred Limits of 1728, ibid.: "Since the population and buildings in this area have increased, two other parishes have been added," etc. As for signs and indications, the church of St. Martin does not present any of those signs that we have said above are, in general and in most cases, unambiguous in favor of true and proper matriculation. It has not had, nor has it ever had, the right to collect tithes, nor the right to bury within the limits of other parishes; nor has it ever had the right to a canon or annual census, or to an annual recognition of its remote superiority through the offering of wax, or the like (Statutes of 1725). Nor could the bundles of palms, which the abbots of St. Angel and St. Mary left in the church of St. Martin on Palm Sunday after the blessing, be considered as a sign of recognition or tribute, as was also acknowledged and extra-judicially confessed, while the case was being heard before the Sacred Roman Rota in the years 1750-1753, by the archpriest of St. Martin, Horatius Gaioni, in his letter dated September 22, 1750, ibid.: "The act of leaving a portion of palms at St. Martin can never be a sign of tribute... and at most it should be a sign of preeminence... and there is another natural reason for leaving the said palms..." Other privileges, by which the church of St. Martin has enjoyed, or has enjoyed in the past, are, in themselves and absolutely speaking, ambiguous signs.

[*Latin ed. p. 465*]

Indeed, the Roman law of 465, or similar legislation, demonstrates and proves, at least in an improper sense, the concept of "matricity," but it does not rigorously demonstrate true and proper "matricity" in its strictest sense. Thus, the modern archpriest insists on the name "matricity" and, consequently, on the filial relationship that it implies; for the term "matricity" is "equivocal," meaning it "does not necessarily conclude," but rather refers to "some greater prominence, which would certainly be the case if the church were greater in antiquity or for other reasons," as De Luca states in *De Parochis*, discourse 27, paragraph 9, and in *De Decimis*, discourse 12, paragraph 13, in the notes; Rota in the cited case; Novarien, before Ratto, number 4, 5. The same can be said of the retention of the baptismal font up to the year 1904. For, although the baptismal font is often a sign of "matricity" (Fagnano, cited, in the chapter *Ad Audientiam*, number 8; Berardi, cited, ibid.; Scarfanton, volume III, supplement XXII, number 40, etc.), it does not necessarily imply anything other than improper "matricity" or greater importance, as De Luca states in *De Parochis*, discourse 38, paragraph 10; the Holy General Council, in Boianen, concerning parochial rights and privileges, May 24, 1732; and in Ferentina, concerning "matricity" and the baptismal font, March 18, 1797, Scarfanton, volume II, book IV,

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title XI, number 12; volume III, supplement XXII, number 20; Rota in the cited case; Novarien, before Ratto, number 15, etc.

Furthermore, the other privileges that the archpriest of Saint Martin claims demonstrate only improper "matricity," and not true and proper "matricity" in its strictest sense, such as the recognition of the archpriest as the head of the clergy and chapter, if, indeed, the name "chapter" truly merits that designation, given that union of the clergy of three churches (Statutes of 1725), and that the archpriest presides and is superior to the other rectors in sessions or assemblies (Scarfanton, volume II, book IV, title XI, number 4; volume III, supplement XXII, number 43; Rota in the cited case; Novarien, before Ratto, number 21, etc.); that only in the church of Saint Martin were the functions of Holy Saturday and the feast of Pentecost celebrated, to which the other two pastors were required to come until the year 1907 (Scarfanton, volume III, supplement XXII, number 20; Rota, ibid.; Novarien, number 13, etc.); that the feast of the Most Holy Body of Christ was celebrated only with a solemn procession by the church of Saint Martin (Scarfanton, volume III, supplement XXII, number 18; Rota in the cited case; Novarien, number 19, etc.); that general processions or those ordered by superiors began or would begin from the church of Saint Martin, from which the only cross was raised or was raised (Attestation of June 18, 1893; Statutes of 1725); De Luca, *Summa de Praeeminentibus*, I, number 16; Rota in the cited case; Novarien, numbers 22, 23; that until the year 1914, the archpriest exercised jurisdiction over the inhabitants of the place for the first six months after their arrival, even if they resided in the territory of other parishes (Rota in the cited case; Novarien, numbers 16 and 17, etc.), and similar matters.

Nor does the division conclusively prove anything, as is evident in the *Acta*, volume X, number 11.

[*Latin ed. p. 466*]

466 *Acta, Apostolicae Sedis* – It is asserted that the official records of Saint Martin indicate that the Sacrament of the Most Holy Eucharist was reserved there; nor that the Confraternity of the Most Holy Sacrament, which was established in the church of Saint Martin, has supplied or does supply oil, etc., to other churches, as the archpriest of Saint Martin, Horatius Gaioni, had already noted in his letter of September 19, 1750: "The Confraternity of the Most Holy Sacrament is a separate body, and it provides oil and wax to the other churches for the lamps of the ciborium and for the Holy Viaticum, and it collects alms for all three parishes... which can bear this burden, and you must never impose a strict obligation on Saint Martin." Furthermore, the same assumption is not approved by the jurisdiction, as the archpriests in rural churches claimed, nor the right to preach in those same churches, for again, Gaioni, there: "The prerogatives that it has in the rural churches cannot be considered advantageous... because in those

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churches there is no dominion of the archpriest, but they are the property of the community and are received by the simple priests, who govern and officiate in them, even independently of the chapter, and although the archpriest attends some festivals as the first among his peers, this is not by reason of dominion, but by reason of the faculty that the chapter has to intervene there;... therefore, he performs the function of preaching by invitation of the offering," etc. Nor does the union of the benefice of Saint Rochillo merit any consideration, "because it is a matter that is within the power of the Ordinary in accordance with the Council of Trent" (Gaioni, in his letter of September 22, 1750). Nor does the jurisdiction of the archpriest regarding the house of the governor, the lodgings, the revenues, and the soldiers living outside the station, which the Sacred Congregation of Rites confirmed on January 22, 1841, in accordance with the constitutions of the year 1725 and the decree of the Sacred Rota of February 26, 1753. For this jurisdiction can be referred to another title, based on prescription, as is sufficiently indicated in the aforementioned decree of the Sacred Rota. Finally, the decision of the Apostolic See, dated December 1, 1750, previously cited, which granted the church of Saint Martin perpetual and exclusive rights to exercise all and singular parochial rights in all and singular houses and dwellings, wherever located, and in the future to be built, outside the walls and outside all and any lands of Valliscursae, and in the entire territory outside the walls, etc., does not, in the opinion of the archpriest, have any other reason for its existence than a reservation made at the very beginning of the division. For: 1) this reservation could not have been made at the beginning of the division, which is claimed, because, as the statutes of the year 1725 stated:

[*Latin ed. p. 467*]

"It is also to be known that, for a few years now in our times, many suburban houses have been built, situated and located outside the boundaries of the land. If these houses were to be inhabited, disputes would arise among the parish priests concerning the rightful parish. Since some of these houses are closer to the church of St. Martin, others are closer to that of St. Angelo, and still others are closer to that of St. Mary. Therefore, it is expected that the Most Reverend [Bishop] will declare to which church they belong, etc."

2) That reservation would have been absurd, because it was openly contrary to the very cause of division.

3) The judgment of the Apostolic See was given solely in a possessory matter, in which nothing is considered regarding justice or injustice, but only the bare fact of possession is examined. However, the dispute was settled by agreement initiated on September 13, 1753, in which the alleged division was neither explicitly nor implicitly recognized, but rather the parish priests swore to divide the houses among themselves in an equal

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manner.

However, it must be conceded to the archpriest that the division is very likely, for the location of the three parishes, and other circumstances, make this possibility very probable, as De Luca discusses in his work on tithes, section 10, number 10. Indeed, it is remarkable that the abbots themselves, in the controversy before the Roman Rota in 1753, admitted that "this condition of the land, and the great frequency of the people... from a time of which no memory exists, has led and caused the care of souls to be divided into three distinct parishes..."

However, having overlooked this assertion, which does not constitute sufficient proof, this possibility does indeed diminish or remove the resistance of the law regarding the matriculate status of the church of St. Martin, which could have been unique in ancient times and, consequently, the matrix through the means of division, but it does not provide certain proof of the ancient status and division (De Luca, ibid.), nor, as is evident, does it do so by itself, because from being to fact, the inference is not valid, nor, when joined with the privileges and signs mentioned above, which are merely matters of reverence, are they conclusive, and they only prove a titular, but not a true, matriculate status.

Furthermore, even with this possibility, it does not follow that one should not proceed strictly and rigorously in proving the matriculate status of the church of St. Martin, nor that each individual act of precedence should be rigorously criticized, according to what De Luca discusses in the case he considered in section 40, on parishes, numbers 4 and 7, because in that case, concerning the church of St. Lawrence in Damasus, the fact of the division was established from other sources, and therefore the terms of the universal cause applied, so that the proof and possession of some acts would suffice for others falling under the same universal cause, as if under the same root. But in our case, we are dealing with proving the very universal cause, or the division and matriculate status.

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis - Official Commentary. Furthermore, even if we were to concede that the church of St. Martin is truly and properly a "mother church" through the means of dismemberment, nevertheless it could not claim more rights for itself than it currently possesses. For the "mother church" status of any church, even one that is truly and properly such, signifies only an honorary and preeminent position, excluding those rights which the mother church reserves for itself at the very threshold of dismemberment (De Luca, Miscellanea, I, n. 31, De parochis, disp. 33, n. 8, disp. 36, n. 6, De benefic, Summ. XXVIII, n. 219, etc.). Since, however, the prerogatives enjoyed by the church of St. Martin signify only an honorary and preeminent position, the fact of the original dismemberment becomes a purely historical question, having no particular legal consequence,

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and is therefore foreign to our forum. Given these circumstances, it is superfluous to elaborate on the argument presented by the learned advocate of the Abbot of St. Angel, both against the proper and against the improper "mother church" status of the church of St. Martin. For he attacks the proper "mother church" status primarily because the filial churches are not endowed from the revenues of the mother church; although this argument is not necessarily conclusive, it is certainly true that, in the absence of endowment, the argument for a true and proper "mother church" status is weakened. Furthermore, he attacks the improper "mother church" status "because the church of St. Martin does not have the prerogative of the greater solemnities... and if the abbatial churches have access to St. Martin, by the principle of reciprocity, St. Martin must have access to the abbatial churches." He overlooks all the prerogatives that, beyond any question of "reciprocity" or "alternation," undoubtedly belong to the church of St. Martin, as we have already explained. Moreover, even the predecessors of the Abbot in the case before the Sacred Roman Rota, in the year 1753, did not challenge this broader and improper "mother church" status, which contained only an honorary right. Having duly and diligently considered all these matters in law and in fact, We, the undersigned Auditors, sitting for the Tribunal and with only God before our eyes, invoking the name of Christ, declare and definitively sentence, responding to the proposed question: to the first part, affirmatively, that is to say, that the church of St. Martin is a "mother church" in this case; to the second part: to the extent that it signifies only an honorary and preeminent position, that is to say, that the church of St. Martin is a "mother church" to the extent that it signifies only an honorary and preeminent position. We order that the expenses be borne equally between the archpriest and the Abbot of St. Angel. Thus we pronounce and definitively sentence, ordering the Ordinary of the place and the officials of the tribunals to whom it pertains, to carry out this sentence.

[*Latin ed. p. 469*]

Let the Roman Rota pronounce this our definitive judgment, and against those who resist, let it proceed according to the norms of the sacred canons, and especially chapter 3 of the Council of Trent, session 25, concerning appeals, employing executive and coercive means that shall be more efficacious and suitable for the circumstances. Rome, at the seat of the Tribunal, on the 10th of August, 1917. Aloysius Sincero, President. Frederick Cattani-Amadori. Peter Rossetti. L.C.S. From the Chancery of the Sacred Roman Rota, Tani, Notary. From this judgment, neither party appealed.

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis - Official Commentary

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FROM THE ROMAN SECRETARIAT OF STATE

By means of documents from the Secretariat of State, the Holy Father has deigned to appoint:

October 1, 1918.

Most Reverend Monsignor Sebastiano Nicotra, titular Archbishop of Eraclea and Apostolic Nuncio to Chile, Apostolic Nuncio to the Most Blessed Court of Belgium.

October 10.

The Reverend Father Ladislao Marszalkiewicz, of the Resurrectionists, Consultant to the Pontifical Commission for the Interpretation of the Code of Canon Law.

October 26.

The Most Eminent Cardinal Tommaso Pio Boggiani, Protector of the Institute of the Daughters of Our Lady of Mercy of Savona.

October 30.

Most Reverend Monsignor Giovanni Tacci, titular Archbishop of Nicea, His Eminence's Chamberlain, Prefect of the Sacred Apostolic Palaces.

Most Reverend Monsignor Giuseppe Guerri, Regent of the Apostolic Datary, with the right to be part of the Noble Pontifical Chamber as a Participating Secret Chamberlain.

By Apostolic Briefs, the Holy Father has deigned to appoint:

Apostolic Protonotaries *ad instar participantium*:

June 18, 1918.

Most Reverend Monsignor Giorgio Hilpisch, of the diocese of Limburg.

October 2.

Most Reverend Monsignor Casimiro de Skirmunt, residing in Rome.

October 15.

Most Reverend Monsignor Giuseppe de Preitas Machado, of the Archdiocese of Olinda.

Domestic Prelates of His Holiness:

June 18, 1918.

Most Reverend Monsignor Francesco I. Van Antwerp, of the diocese of Detroit.

Most Reverend Monsignor Emanuele B. Ledvina, of the diocese of Indianapolis.

June 21.

Most Reverend Monsignor Pietro I. Sheridan, of the diocese of Erie.

September 17.

Most Reverend Monsignor Pietro Cisco, of the Patriarchate of Venice.

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September 27.

Most Reverend Monsignor Matteo Damm, of the diocese of Spira.

September 29.

Most Reverend Monsignor Bartolomeo Giuganino, of the Archdiocese of Turin.

October 18.

Most Reverend Monsignor Giuseppe Costa, of the same Archdiocese.

[*Latin ed. p. 471*]

Diarium Romanae Curiae 471 HONORS: By Breves Apostolici, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: September 24, 1918. To the Most Noble Baron Hans von Lassberg, Grand Chamberlain of the Court of Bavaria. The Commander's Cross with Plaque of the Order of Saint Gregory the Great, civil class: September 23, 1918. To the Reverend Alessio Lira Infante, of the Archdiocese of Santiago del Cile. October 5. To the Reverend Giovanni Tietmann, of the Diocese of Paderborn. The Commander of the Order of Saint Gregory the Great, civil class: September 10, 1918. To the Reverend Girolamo Gozo, of the Diocese of Savona. October 15. To the Reverend Giovanni Truijen, of the Diocese of Ruremonda. October 29. To the Reverend Professor Guglielmo Killing, of the Diocese of Munster. October 2. To the Reverend Annibale Marsigli, of the Archdiocese of Bologna. October 23. To the Reverend Nazareno Ferrata, of Rome. The Knighthood of the Order of Saint Gregory the Great, civil class: September 2, 1918. To the Reverend Pietro Martinucci, of Rome. October 4. To the Reverend Pietro Federici, of Rome. October 23. To the Reverend Ignazio Irarrázaval, of the Archdiocese of Santiago del Cile. October 1. To the Reverend Doctor Celestino Baldi, of the Archdiocese of Bologna. October 9. To the Reverend Armando de la Villardière, of the Diocese of Grenoble. October 11. To the Reverend Giovanni Gommaire van der Linden, of the Diocese of Harlem. October 12. To the Reverend Eugenio Goulmy, of the Diocese of Bois-le-Duc. The Knighthood of the Order of Saint Gregory the Great, military class: September 7, 1918. To the Reverend Francesco Tedeschi, second lieutenant of the Honorary Guard of Rome. October 5. To the Reverend Carlo Schleppinghoff, of the Diocese of Paderborn. To the Reverend Pietro Weinen, of the same Diocese. The Grand Cross of the Order of Saint Sylvester the Pope: September 24, 1918. To the Reverend Alessandro Gallinai, of the Archdiocese of Montevideo.

[*Latin ed. p. 472*]

Acts of the Apostolic See - Official Commentary. The Order of St. Sylvester the Pope: September 16, 1918. To Mr. Girolamo De Avellar Figueira De Mello, Secretary of the Legation of Brazil to the Holy See. October 19. To Mr. Ottavio Stanislao Dorchot, of the Archdiocese of

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Cracow. The Knighthood of the Order of St. Sylvester the Pope: August 13, 1918. To Mr. Norberto Iedina, of the Archdiocese of Sarajevo.

THE HOUSEHOLD OF HIS HOLINESS.

By the tickets of His Eminence, the Reverend Monsignor, the Holy Father deigned to appoint:

Secretaries of His Holiness, honorary: May 29, 1918. Mons. Elia Violoni, of the Diocese of Sarajevo. June 7. Mons. Augusto Guadagnini, of the Diocese of Trento. September 27. Mons. Ferdinando Nöthen, of the Diocese of Münster.

Honorary Chamberlains in purple of His Holiness: June 15, 1918. Mons. Michele Paolinović, of the Diocese of Macarska. July 7. Mons. Vladimiro Bakotió, of the same diocese. July 7. Mons. Matteo Biović, of the same diocese. July 7. Mons. Antonio Sare, of the Diocese of Sebenico.

NECROLOGY.

May 11, 1918. Mons. Ernesto Angiulli, titular Bishop of Augusta. July 19. Mons. Giuliano Tommasuolo, titular Bishop of Ephesus. October 4. Mons. Edoardo Gastone Pöttickh de Pettenegg, titular Archbishop of Damiata. October 6. Mons. Giovanni Regine, Archbishop of Trani and Barletta. October 12. Mons. Giovanni Battista Biolley, Bishop of Tarantasia. October 15. Mons. Lorenzo Chieppa, Bishop of Lucera. October 21. Mons. Carlo Francesco Turinaz, Bishop of Nancy and Toul. October 24. Mons. Pietro Paolo Camillo Moreschini, Archbishop of Camerino. October 24. Mons. Tiburzio Hajdu, O.S.B., Archpriest of St. Martin in St. Monte of Pannonia (Hungary).

[*Latin ed. p. 473*]

Year X - Vol. X, December 5, 1918, No. 12.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

LETTERS.

ENCYCLICAL LETTER TO VENERABLE BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARY LOCALS, MAINTAINING PEACE AND COMMUNION WITH THE APOSTOLIC SEE, BY WHICH PUBLIC PRAYERS ARE ANNOUNCED FOR THE ASSEMBLY TO ESTABLISH PEACE.

BENEDICT XV, POPE.

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VENERABLE BROTHERS, GREETINGS AND APOSTOLIC BENEDICTION.

What the world has long anxiously awaited, what all Christian peoples have implored with fervent prayers, and what We, as interpreters of the common sorrows, have earnestly sought with paternal concern for all, We now observe has been accomplished, as the weapons have finally been laid down.

Indeed, a solemn peace has not yet brought an end to the most cruel war; but nevertheless, that agreement, by which slaughter and devastation have been halted throughout the land, sea, and sky, has happily opened the door and the entrance to peace.

Many and varied causes can certainly be given for this sudden change in events; but if the ultimate and highest reason is sought, then the mind must be turned to Him, by whose will all things are moved, and who, moved by the supplication of those who desire good things, has granted to the human race a respite from so long a pain and sorrow.

Therefore, for so great a benefit, let immense thanks be given to the most benign God.

[*Latin ed. p. 474*]

474 Acta Apostolicae Sedis - The official records are to be consulted and thanks are to be given: and we rejoice that, throughout the Catholic world, public demonstrations of piety have been made abundantly and solemnly. Now, however, it is to be obtained through the goodness of God that the benefit and duty conferred upon the world may, in some way, be increased and perfected. Indeed, soon those who, by the mandate of the people, are to establish a just and lasting peace for the world, will convene. Deliberation must be given to them such that it may seem that no deliberation has ever been, nor could ever be, more important or more difficult in any human council. They are, therefore, in great need of the help of divine light, so that they may properly fulfill their mandate. Since the common salvation greatly depends on this, it is certainly the duty of all Catholics, who, by their very profession, strive for the good and tranquility of human society, to reconcile themselves with "the wisdom of the Lord" and to offer their prayers to these chosen men. We wish to remind all Catholics of this duty: therefore, that the great gift of God, which is true peace, founded on the principles of Christian justice, may arise from the forthcoming assembly, you, Venerable Brothers, will diligently prepare public supplications, at your discretion, in each parish of your respective dioceses. And it will be our duty, as we, without any merit, act in place of Jesus Christ, King of Peace, to strive, by the power and authority of the apostolic office, that those things which are to be considered for the preservation of order and harmony throughout the world, may be received everywhere with will-

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ing hearts, and inviolably observed. As a pledge of divine blessings and a witness of Our benevolence, We impart to you and to your clergy and people Our most loving apostolic blessing in the Lord. Given in Rome, at St. Peter's, on the first day of December, in the year 1918, in the fifth year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 475*]

475 The Acts of Pope Benedict XV. APOSTOLIC LETTERS concerning the Church of Saint John in Florence, adorned with the title of Basilica. POPE BENEDICT XV. For the perpetual memory of the matter. In this city, there exists a venerable temple, which, by its impressive size and the marvelous works of art with which it is adorned, was, at the command of Pope Leo X, our predecessor, established as an archbasilica dedicated to the piety of the Florentine people, to God in honor of Saint John the Baptist and the Saints Cosmas and Damian. It was generously provided with funds from the treasury to be erected in the region of Pons, near the banks of the Tiber. At that time, Germans, Spaniards, and French, residing in the city, zealously maintained the sacred building of their respective nations, either newly begun or already completed, spurred on by a certain pious rivalry. The architecture of the building, and indeed all its decorative elements, were entrusted to the most distinguished artists of that era, blessed with exceptional skill in the arts, many of whom came from the school of Etruria, whose very names eloquently testify to the splendor of the building's form. And indeed, Raphael Sanctius, Michelangelo Buonarroti, Giacomo Tattius, also known as Sansovino (whose genius is responsible for the design of the entire structure), Charles Madernus, and other outstanding masters of architecture and the art of marble, adorned the building with their works. Due to a lack of space on solid ground, so that the structure would not lack length, the builders, sparing no expense, dared to lay the foundations in the very bed of the river. Although, over a period of nearly two centuries, and amidst frequent disturbances in public affairs, and with the city itself besieged and devastated by the Bourbons, the construction of the building was interrupted, and therefore begun anew several times; finally, with the return of Pope Paul V, of blessed memory, our predecessor, the temple was happily completed in all its parts, and there, in accordance with the decrees of Pope Leo X and Pope Clement VII, of blessed memory, our predecessors, a parish was established. In the following eighteenth century, under Pope Clement XII, our predecessor, who held the highest office in the Church, a prominent facade was added to the Florentine temple, facing the urban road known as "Julian," designed by the architect Alessandro Galilei, which is most beautiful.

[*Latin ed. p. 476*]

476 Acta Apostolicae Sedis - The official record of this Apostolic See

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deserves to be diligently noted concerning the sacred buildings of this city. The name of the temple has been increasingly added over time, due to the clergy who perform their ecclesiastical duties and fulfill their office there. Among the most honorable of the former directors of the church and its buildings is Saint Philip Neri, the Apostle of the Romans, and his companions resided there, men distinguished by their doctrine and the sanctity of their lives, who were the first members of the nascent Congregation of the Oratory, and who were fortunate enough to have Saint Philip himself as their guide. Not less does this building now serve sacred purposes in our time. The Collegiate Chapter, generously endowed with privileges and honors by the Supreme Pontiffs, which formerly performed ecclesiastical duties at the churches of Saints Celsus and Julian, was, by letters sealed on the twenty-fourth of October in the year 1906, granted by our predecessor, Pope Pius X, so that all those offices which had previously been prescribed and imposed according to his Constitutions should henceforth be properly and canonically performed at the church of Saint John the Baptist of the Florentine nation, with the perpetual care of the parish entrusted to the archpriest of the Chapter. Furthermore, we believe that many relics of the Saints of Heaven are religiously preserved there, and that the temple is also richly furnished, and is abundantly endowed with indulgences and privileges by this Holy Apostolic See. Moved by all these things, our beloved sons, the moderators of the Florentine archconfraternity of Charity, earnestly requested us to deign to bestow upon the urban temple of their nation, which is distinguished by so many and such works of all kinds of art, and which has been honored by the special benefits of our predecessors, the title and dignity of a Basilica. And we, remembering the illustrious and glorious memories of this building, considered it a pleasure to grant their wishes. Therefore, after consulting with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Protection of Sacred Rites, by our apostolic authority, and by the force of the present document, forever and perpetually, we grant the temple, dedicated to God in this city in honor of Saint John the Baptist and the holy martyrs Cosmas and Damian, of the Florentine nation, the title of Basilica, and we grant to that archconfraternity of Charity, as well as to the Chapter and the clergy, the privilege of carrying a banner and a cope, to which it is permitted to add the emblem, or coat of arms, of the church itself, not adorned with gold or silver. Furthermore, we decree that these present letters shall always be valid, firm, and effective, and shall have and obtain their full and complete effect, and shall forever suffice and be sufficient for those to whom they pertain, now and in the future; and that it shall be rightly judged and defined, and shall be null and void from now on, if anything contrary to this is attempted.

[*Latin ed. p. 477*]

Acta of Pope Benedict XV, 477, concerning this matter, which, whether

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knowingly or unknowingly, has been attempted to be altered by anyone. Notwithstanding any contrary things. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the nineteenth day of August, 1918, in the fourth year of Our Pontificate. P. CARD. GASPARRI, from the Secretariat of State.

PRIVILEGES AND INDULGENCES ARE GRANTED TO THE VENETIAN PATRIARCHAL SEMINARY, AND THE CHURCH OF MURIANENSIS, DEDICATED TO SAINT DONATUS, IS DECORATED WITH THE TITLE OF ABBEY, WITH THE ADDITION OF THE TITLE OF SAINT CYPRIAN. POPE BENEDICT XV.

For the perpetual memory of this event.

Our beloved son, Peter, Cardinal La Fontaine, Archbishop of Venice, has come to Us, desiring to solemnly commemorate, on the fourteenth day of the coming month, the one hundredth anniversary of the time when the Patriarchal Seminary transferred its seat from the buildings of the Murianensis Abbey of Saint Cyprian, near the church of Saint Mary of Health, which it still occupies today. This purpose is certainly worthy, and deserves Our commendation and a few gifts of grace.

However, this very transfer, which was beneficial to the Patriarchal Seminary, has brought about sad consequences, and it seems that the Apostolic See should offer some relief. For from that time, not only has that abbey, distinguished by its antiquity, the variety of its marbles, and the precious works of mosaic art, been plundered and completely destroyed, but also the memory of the illustrious martyr Cyprian has gradually faded within the Seminary itself.

Therefore, it pleases Us, as much as is possible at present, to offer a remedy to both these problems, so that the memory of the plundered and ruined abbey may be revived in some way among the Venetians, and that, in the Patriarchal Seminary, the memory and cult of the holy patron, who was once held in such high honor, may once again flourish and revive.

Therefore, by Our Apostolic authority, through the force of these documents, We grant, to all those who today, in some way, belong to or formerly belonged to the Patriarchal Seminary, that if, this year, on the fourteenth day of the coming month, on which the one hundredth anniversary of the transfer, as We have said above, is commemorated, they visit the temple of the Seminary, and there pray according to the mind of the Supreme Pontiff, a plenary indulgence, applicable also to the deceased.

[*Latin ed. p. 478*]

478 Acta Apostolicae Sedis - Official Commentary. Furthermore, it is permitted each year, in the same Seminary, on the fifth feria after the Octave of Easter, at a time when Saint Cyprian, the bishop and martyr, is traditionally said to have been received into the bosom of the Church, fleeing from the

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superstitions of the pagans, to celebrate Mass in honor of that same saint, and on that very day, as many as are of the Seminary, or have been of the Seminary, as we stated above, under the same conditions, may each year obtain plenary remission of their sins and already attain the indulgences. Finally, we honor the mother Church of Murianen, which is now called by the name of Saint Donatus, and which was formerly subject to the Abbey of Saint Cyprian, by bestowing upon it the honorable title of Abbey, and we designate Saint Cyprian, the bishop and martyr, as its patron saint. These decrees are valid perpetually. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the day of the month of October, in the year 1918, in the fifth year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Congregation for the Affairs of the Holy See. LETTER I TO PETER. His Most Reverend Eminence, Cardinal GASPARRI, Prefect of the Congregation for the Affairs of the Holy See, AFTER THE TREATY BETWEEN ITALY AND AUSTRIA. Signor Cardinal, Following the recent fortunate successes of the Italian arms, the enemies of this Apostolic See, steadfast in their intention to exploit, to its detriment, both the sad and the joyous events, have endeavored, and continue to endeavor, to incite public opinion in Italy, rejoicing in the victory obtained, against this See, as if the Supreme Pontiff were, in his heart, displeased. You, Signor Cardinal, know well, through daily custom, Our sentiments, as well as the practice and doctrine of the Church in such circumstances. In the letter of August 1, 1917, to the Heads of the various belligerent Powers, We made wishes, repeated also on other occasions, that the territorial questions between Austria and Italy receive a solution in accordance with the just aspirations of the peoples; and recently We have given instructions to Our Nuncio in Vienna to establish friendly relations with the various nationalities of the Austro-Hungarian Empire.

[*Latin ed. p. 479*]

From the Acts of Pope Benedict XV, 479, concerning Hungary, which has now constituted itself as independent states. He states that the Church, a perfect society, whose sole aim is the sanctification of men of every time and every country, adapts itself to the various forms of government, and therefore readily accepts the legitimate territorial and political changes of peoples. We believe that if these our judgments and assessments were more widely known, no sensible person would insist on attributing to us a regret that has no foundation. Nevertheless, we cannot deny that a certain disturbance still clouds the serenity of our soul, because hostilities have not ceased everywhere, and the clamor of arms still causes concern and fear in many places. But, hoping that the joyous dawn of peace, which has already broken over our beloved country, will soon bring joy to other warring peoples, we anticipate the sweetness of that day, not far off, when charity will return to reign among men, and universal concord will unite

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the nations in a fruitful league of good. In the meantime, we are pleased to confirm to you, Cardinal, our particular benevolence, and we wish that this may be a new pledge of our apostolic blessing, which we impart to you with a special affection. From the Vatican, November 8, 1918. BENEDICT XV.

TO LUDWIG THEISSLING, GENERAL MASTER OF THE ORDER OF PREACHERS, CONCERNING "SUMMA CONTRA GENTILES," PUBLISHED BY THE COLLEGE OF DOMINICAN SCHOLARS, WHO ARE CURING THE LEONIAN EDITION OF THE WORKS OF ST. THOMAS AQUINAS.

Beloved son, greetings and apostolic blessing.

We have gratefully received the thirteenth volume, prepared by the diligent study of the college of scholars, which contains the *Summa contra Gentiles*, and we accept it with a willing heart, especially since it is dedicated to us with such great piety. We see that it has been carefully prepared according to the standard that our predecessor, may he rest in peace, had set for the curators of this edition: nothing here is to be desired in terms of accuracy, and nothing is more elegant in terms of the appearance of the text. In it, we have the text from the most reliable handwritten manuscripts and from the very autograph.

[*Latin ed. p. 480*]

480 Acta Apostolicae Sedis – An Official Commentary, wherein whatever the Angelic Doctor wrote is presented, and also, in place of appendices, are collected those things which he once and again corrected and changed; it is fitting to marvel and to learn how he brought this work to perfection and completion. For, being as it is, most perfect in its kind, when it appeared, it began to be celebrated, both by those who, ignorant of the way and reason of Christian wisdom, expounded it, and by those who defended it against the attacks of the unfaithful and of those who are not Catholic. And rightly so: for indeed, the Scholastic method, with its certain principles, of carefully and precisely concluding what is consequent, is wonderfully suited to illustrating the truth and defending it; and Thomas, because of a certain divine power and faculty of genius, is easily considered the foremost among those who use it. This book, whose incredible abundance and richness were explained by the celebrated Ferrariensis, has not felt the effects of age, so that, if a few things are excepted, it seems to be made entirely suitable for use in these times: for this reason, it is to be hoped that all those who devote themselves to the defense of the Catholic faith will draw from it the greatest benefit in all things. Vobis igitur, who with excellence fulfill the demanded task, upholding the expectation of the Apostolic See, and who have accomplished a work worthy both of the highest Pontificate and of your Order, we offer our heartfelt congratulations. For you know, as did our most wise predecessor Leo XIII,

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that We strive for the glory of Aquinas, and We desire that this great Doctor, whom the heretics of this age so detest, be observed by the students of the Church ever more diligently, as a leader and teacher, in the cultivation of philosophy and in sacred disciplines. As a witness to divine graces and to the paternal benevolence of Ourselves, We impart to you, beloved sons, to the Leonian sodality dedicated to the works of St. Thomas, especially to the most esteemed sons Constant Suermondt and Peter Paul Mackey, who from the beginning have diligently and learnedly worked on this project, and to the entire Dominican Family, our most loving apostolic blessing. Given at Rome, at St. Peter's, on the seventeenth day of September, in the year 1918, in the fifth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 481*]

SACRED CONGREGATION OF BISHOPS

ACTS OF THE SACRED CONGREGATIONS

SACRED CONGREGATION OF BISHOPS

DECREE CONCERNING CLERICS RETURNING FROM MILITARY SERVICE

When clerics return from military service, it is necessary that the Ordinaries strive with the utmost diligence to cleanse them of all worldly dust, since even devout hearts are prone to become soiled amidst the clamor of arms and daily dangers, and to free them from irregularities and impediments which they may have contracted through military service. This is indeed required for the good of the clerics themselves, for the salvation of the souls of the faithful, and for the benefit of the Church.

Therefore, the Most Blessed Father Benedict XV, deeply lamenting the grave wound inflicted upon ecclesiastical discipline by compelling clerics to serve in the military, which, among other things, has deprived many parishes of spiritual assistance and their seminaries of students, thereby causing great detriment to the Christian people; and now that, as it appears, a long-desired peace is about to dawn, in order to achieve a holy end, namely, to renew the ecclesiastical spirit in clerics returning from military service and to remove the harmful effects they may have acquired, after hearing from a number of Archbishops of nations that have been engaged in war with each other, and after due deliberation by a special assembly of Cardinals, the following is established and decreed:

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CHAPTER I. OF IRREGULARITIES.

1. To all Ordinaries, both of dioceses and of religious institutes, the power is granted to dispense from irregularities arising from bodily defects in their clerics returning from military service, whenever it is clearly established by written testimony from the master of ceremonies, who has examined the cleric, that he is able, without assistance, to perform all the necessary rites with decorum.

[*Latin ed. p. 482*]

482 Acta Apostolicae Sedis - An Official Commentary on the Prescriptions for the Celebration of the Mass; this is a burden placed upon the conscience of these Ordinaries themselves. In more serious cases, or in cases of doubt, and whenever the matter concerns those who have not been promoted to the priesthood, recourse must be had to the Holy See. Furthermore, all Ordinaries are granted the faculty of dispensing, at least as a precaution, from an irregularity, which canonists formerly called *a defectu lenitatis*, whenever priests, clerics, and students of seminaries or religious houses have incurred it not through their own fault, but through necessity, being compelled to take up arms and perhaps to inflict death or mutilation. However, whenever the matter concerns clerics who, not compelled by the necessity of the law, have voluntarily offered themselves to take up arms, or have accepted them, recourse for a dispensation must be had to the Holy See, always with the firm prescription of canon 1.88, n. 6. Therefore, Ordinaries, after a prior examination in each case, will decide whether to absolve those returning from military service, or whether they must refer them to the Holy See. Furthermore, priests who return from military service and know that they have been entangled in an irregularity reserved to the Holy See, must not dare to perform sacred ministrations before obtaining a dispensation.

CHAPTER II: Concerning Information to be Given and Received.

3. Each local Ordinary, concerning clerics and students of another jurisdiction, who, while serving in the military in his diocese, have been absent for a notable period, or are still absent, should diligently strive to provide, as fully as possible, information to their respective Ordinaries, and should consider this to be a most serious duty of conscience, the neglect of which could cause considerable harm to the Christian cause. Furthermore, the Ordinaries should strive to supplement the information they receive about their clerics and students with information obtained from other sources and persons, diligently gathered for the matter at hand, and finally, through a personal examination, as will be explained below.

CHAPTER III: Concerning Secular and Regular Priests.

4. Priests, whether secular or religious, returning from military service, are obliged to present themselves to their Ordinary within ten days of their

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return and to show him the letters from the Ordinary of Castrum, or at least from their military chaplain.

[*Latin ed. p. 483*]

6′. The Consistorial Congregation, and other documents, shall provide testimony regarding their life and conduct; and they shall, therefore, take care to bring all such things with them. Furthermore, they shall be ordered by the Ordinary to answer, truthfully and according to their conscience, regarding matters pertaining to the external or public aspect of their life during their military service, regarding the works they performed there, and regarding the places where they resided. Those who do not visit their Ordinary within the time previously specified shall remain, by this very fact, suspended from divine functions; they shall not be absolved from censure, unless they have fulfilled all that is commanded.

5. All priests, whether secular or religious, shall, within a time designated by their Ordinary (which, without a just and necessary cause, may not be unduly prolonged), withdraw to some pious house designated by the Ordinary, in order to perform spiritual exercises, according to the prescriptions of the Ordinary himself. Those who do not comply with this command shall likewise remain, by this very fact, suspended from divine functions; they shall not be absolved from censure, unless they enter the house of exercises.

6. Since spiritual exercises, in order to be fruitful, must be performed in a pious house, removed from worldly rumors, in silence, under the guidance of a prudent and pious director, and with the assistance of preachers and confessors, who combine doctrine and prudence with the sanctity of life, it is necessary that the Ordinaries arrange all these things with great care. However, since it is scarcely possible for each diocese and each province of religious orders to have a house fully equipped for spiritual exercises; the Bishops should take care to convene with other prelates of the same province or region, in order to designate and equip a common house. The same is ordered to be done by the Ordinaries of religious orders.

7. Since the condition of priests returning from military service is not the same, nor is there the same necessity for cleansing the conscience and renewing the ecclesiastical spirit, it is left to the prudence of the Ordinaries to determine a shorter or longer course of spiritual exercises for each individual; nevertheless, it is necessary that no one ever complete less than eight full days of spiritual retreat.

8. For the same reason, in each case, the Ordinaries shall decide whether, after the spiritual exercises have been completed, the priests shall be immediately restored to their former duties, whether of the care of souls, or of teaching or administration in seminaries, or similar tasks, or otherwise. For this purpose, the Bishops are granted the power to temporarily remove from the care of souls, from the office of confessor, from administration and

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teaching of students in seminaries, those who did not conduct themselves well during their military service, whether they were suspended from divine functions or not; and they may order them to live for a time either in a religious house, or under the guidance of...

[*Latin ed. p. 484*]

484 Acta Apostolicae Sedis - Official Commentary: A pious and prudent priest, with a certain pious obligation, must perform the exercises prescribed in writing. In similar cases, the Ordinaries of religious orders shall decide for their subjects, whom they may also, for a time, deprive of active and passive ministry, and restrict to living in a religious community of stricter observance. Furthermore, the General Superiors are granted the faculty of removing provincial and local superiors, whenever they deem it necessary for the good of the Order. However, the Ordinaries should take care, as much as possible, not to establish priests, whether secular or regular, in places where, while performing military service, they have been absent for a long time. In cases of doubt or greater importance, the Ordinaries should appeal to the Holy See. 9. Finally, considering the particular conditions of our time, it is granted to diocesan Ordinaries the faculty, valid for five years, whereby, if the needs of souls demand it, and if there are not enough priests proper to each parish, they may entrust the care of two or even three parishes to the same priest, and they may transfer a parish priest to another, more central parish from which it is easier to assist the faithful entrusted to their care. CHAPTER IV: Concerning Students. 10. All students of seminaries who wish to return to ecclesiastical duties after military service: a) Shall present themselves to their Ordinary, in exactly the same manner as is stated above concerning priests. b) The Ordinary shall proceed with the examination and gathering of information in the same manner as with priests. c) If, from this examination and other evidence, it is determined that someone has not behaved well in military service, the Bishop, after consultation with delegates on discipline and with the Rector of the Seminary, shall deny him readmission to the Seminary. d) If, on the contrary, it is determined otherwise, the Bishop, after consultation with the same delegates and the Rector of the Seminary, shall admit the petition; but under the terms and conditions indicated below. e) First of all, the student shall be ordered to perform spiritual exercises, and the Ordinary shall determine the place, time, and manner of the spiritual retreat, deciding what is most expedient in each case, observing, as far as possible, the same rules as with priests.

[*Latin ed. p. 485*]

485. f. Post spiritualia exercitia, Consistorium, secundum prudentiam suam et cum consilio ut supra, consideret si sit opportunum alumnos, postquam ab militia rediverunt, statim cum aliis admitttere, an eos, pro

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aliquo tempore, separatim sub speciali vigilantia, cum aliis ab militia rediventibus, retinere.

486. Alumnos in Seminarium redactos studia prosequuntur, inde adamussim incipiendo ubi ea abruperunt, et integrum cursum perficiunt.

487. Quoad ordinationem, Episcopi, memores praecepti apostolici [ad Thim., I, cap. V]: "Impose not hands lightly upon any man, neither be partaker of other men's sins. Keep thyself chaste," caveant a promovendis suis alumnis, praesertim ad maiores Ordines, antequam per aliquot menses eos rite comprobaverint, onerata super hoc gravissime eorum conscientia.

CAPUT Y. De novitiis clericisque religiosis.

488. Quoad novitios et clericos diversarum religionum, qui post militare servitium ad religionem suam revertuntur, eaedem cum proportione serventur regulae ac de Seminariorum alumnis praescriptae sunt.

489. Transitus religiosorum, post militare servitium, ad clerum saecularem eorumque admissio in Seminarium prohibita manent iuxta communis iuris praescriptum.

CAPUT VI. De laicis aut conversis variarum religionum.

490. Qui fratres conversi vel laici in variis religionibus nuncupantur et post militare servitium ad conventum redeunt, consueto ut supra examini Superiores subiiciant; et si bene in militia eos se gessisse constet, praeviis spiritualibus exercitiis, cum cautelis et regulis in superioribus articulis nuntiatis, eos denuo in communitatem admittant. Si vero constet eos se male gessisse et votis solemnibus ligati non fuerint, dimittant et hoc ipso a votis omnibus, etiam castitatis perpetuae absoluti erunt. Quod si votis solemnibus obstricti fuerint, Superiores casum deferant ad S. Congregationem de Religiosis, et interim eos iubeant penes consanguineos suos, vel in monasterio, sed seorsim, vivere.

[*Latin ed. p. 486*]

Acts of the Apostolic See - Official Commentary 486 CHAPTER Concerning Clerics who have committed grave offenses, secular crimes, or have broken their religious vows. 16. When clerics, who, perhaps through some greater fault, have fallen into some of the more serious offenses during military service, return, the Ordinaries should, indeed, act paternally, but for the amendment and salvation of these individuals, and for the good of the Church as a whole, they should not fail to proceed in each case according to the nature of the crime, as is prescribed in Book V of the Code, especially if they have incurred infamy of law or of fact. Furthermore, with those who, through grievous wickedness, have apostatized from their vows, or even from the faith itself, and have passed into the secular state, the same Ordinaries should not fail to fulfill the office of a good shepherd, as far as is in their power, diligently seeking out these stray sheep. Moreover, they should strive, as much as possible, to ensure that, at least for the scandal

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and detriment of other faithful, they do not yield to the harmful examples of these individuals. Furthermore, they should remember that it is their duty to openly indicate, in relation to the state of the diocese or religious order, whether and how many apostates should be deplored among them.

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His Holiness strictly commands that all of this be observed by all Ordinaries, and He does not doubt, given the singular gravity of the matter, that all will devote the utmost care to ensure that what is prescribed is fully and completely fulfilled.

Given at Rome, from the offices of the Sacred Congregation of the Consistory, on the 25th of October, 1918.

C. CARD. DB LAI, Bishop of Sabina, Secretary.

L. S. f V. Sardi, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 487*]

The Holy Congregation, in its 487th Consistorial Decree II, concerning diocesan relations, FORMULA A, to be observed in the aforementioned relations, beginning from the first year of the five-year period, that is, from the year 1921. By a decree issued from the Vatican, dated December 31, 1909, the time and manner by which diocesan reports were to be prepared for the Apostolic See were determined; at the same time, a Formula was provided, which the Bishops were to follow in preparing such reports. However, since, in the preceding year, a new Code of Canon Law was promulgated, in which certain things were innovated and others ordered differently, it seemed fitting and necessary that the aforementioned Formula should be somewhat modified, so that it might more fully correspond to the prescriptions of that Code and be in all respects consistent with it. Therefore, by order of His Holiness Pope Benedict XV, this new Formula, revised and approved by his Holiness himself, shall be used by all Ordinaries in preparing reports, beginning with the first year of the third five-year period, that is, from the year 1921.

I. The report must be written in the Latin language, and signed by the Ordinary himself, with the date, month, and year on which it was given.

II. In the first report of each Ordinary, accurate and complete answers must be given to all the questions that are set out below.

III. In reports that follow the first, Ordinaries may omit all those things that concern the material condition of the diocese and which have remained unchanged.

For the convenience of the Ordinaries, the following canons of the Code of Canon Law are quoted here:

CAN. 340. § 1. All Bishops are bound to provide, in each five-year period assigned to them, a report on the condition of their diocese, according to the formula given by the Supreme Pontiff to the Apostolic See (cf. can. 215,

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§ 2; 319, § 2).

§ 2. The first five-year period is fixed and common, and is counted from January 1, 1911; the Bishops of Italy and the islands of Corsica and Sardinia must present their reports in that year.

[*Latin ed. p. 488*]

Acts of the Apostolic See - Official Commentary 488 CHAPTER 1. General Matters Concerning the Status of Persons and Places. 1. The Ordinary shall state his given name and surname, his age, the place of his origin, and the religious institute, that is, the religious order, to which he belongs, if he belongs to one; when he was consecrated, or, if he is an Abbot, blessed; and when the diocese assumed its governance. If he has an Auxiliary Bishop, whether he was appointed for a person or for a diocese. 2. He shall briefly explain the origin of the diocese, its title or hierarchical rank, and any special privileges it possesses; if it is metropolitan, whether and which suffragan sees it has; and whom the Ordinary, according to the Code of Canon Law, can. 1594 § 2, must call by the name of appellation; if, on the other hand, it is a suffragan see, whom it has as its Metropolitan; and whether it convenes with him, or with another Bishop for Episcopal Conferences; and finally, if it is not subject to any Metropolitan, whom it must consider as its Metropolitan for the Provincial Council, for Conferences, and for appeals, according to canons 285, 292, and 1594 § 3. 3. Furthermore, he shall state: a) the place of residence of the Ordinary, with the necessary indications for writing letters; in the first, the Bishops of Sardinia, Sicily, Malta, and other smaller adjacent islands; in the second, the Bishops of Spain, Portugal, France, Belgium, Holland, England, Scotland, and Ireland, with adjacent islands; in the third, the other Bishops of Europe, with adjacent islands; in the fourth, the Bishops of the entire United States and adjacent islands; in the fifth, the Bishops of Africa, Asia, Australia, and the islands adjacent to these parts of the world. § 3. If the year assigned for submitting the report falls entirely or partially within the first two years from the beginning of the diocese's governance, the Bishop may abstain from preparing and submitting the report for that occasion. CANON 341. § 1. All Bishops, in the year in which they are required to submit the report, shall proceed to the City of Rome, to the tombs of the Blessed Apostles Peter and Paul, and shall present themselves to the Roman Pontiff. § 2. But it is permitted to those Bishops who are outside of Europe to visit the City at intervals of five years, that is, every ten years. CANON 342. The Bishop must fulfill this obligation in person, or through his Coadjutor, if he has one, or, for just reasons to be approved by the Holy See, through a suitable priest who resides in the same Bishop's diocese.

[*Latin ed. p. 489*]

A. The Congregation of Councils, 489 b) What is the extent of the diocese,

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the civil jurisdiction, the climate, the language; c) What is the population, and the principal towns; how many of the inhabitants are Catholics; if there are different rites, how many Catholics are in each, and if non-Catholics are found, how many are there, and into what sects are they divided; d) What is the number of secular priests, clerics, and students in the seminary; e) Is there a cathedral chapter, or rather an assembly of diocesan consultors; are there other chapters, or assemblies of priests similar to chapters, or confraternities, and how many; /) Into how many rural vicariates, deaneries, archpresbyterates, or other divisions is the diocese divided; how many parishes are there, with the number of faithful in the largest and smallest; are there parishes distinct by language or nation, and are there any divided by families and not by territory, and by what right; how many other churches or public oratories are there; is there any particular place of great renown, and what kind, canons 216, 217; g) Are there any religious orders of men, with the number of houses and religious priests; h) Are there any religious orders of women, with the number of houses and religious women.

CHAPTER II. On the administration of temporal goods, inventories, and archives.

4. Whether and how, according to the civil laws of the place, the power of possessing, acquiring, and administering, which belongs to the Church, is protected and secured, or rather restricted; and if so, what is the condition of the clergy and the churches.

5. Whether there is established within the curia a Council for Administration, and of what it consists: and whether the Bishop, in administrative acts of greater importance, hears it, according to the prescriptions of canon 1520.

6. Whether the administrators, whether ecclesiastical or secular, of any church, even the cathedral, or of any canonically erected pious institution, or of any confraternity, render an annual account of their administration to the Ordinary. Canon 1525.

7. Whether the prescriptions of canon 1523 concerning the manner of administration, and the preparation of books of receipts and expenses, are observed; canon 1526 concerning not beginning lawsuits without the written permission of the Ordinary; canon 1527 concerning abstaining from acts exceeding the scope of ordinary administration; ACTA, vol. X, n. 12. — 5-12-918. 32

[*Latin ed. p. 490*]

Acta Apostolicae Sedis - Official Commentary 490 and canons 1544 and following, concerning a suitable dowry, the establishment of endowments, and other matters.

8. Whether those who have received assets in trust for pious causes ob-

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serve what canon 1516 prescribes, especially concerning the rendering of accounts.

9. In the sale, mortgage, exchange, lease, and emphyteusis of property, whether all faithfully observe the norms of canons 1530-1533, 1538-1542; and if not, what remedies are to be employed. It is to be noted that all negotiations concerning these matters are to be reported to the proper authorities.

10. Concerning the payment of tithes and first fruits, whether the laudable customs are observed, taking care, however, to avoid undue exaction. Canon 1502.

11. Concerning offerings for the benefit of the parish and the missions, whether the prescriptions of canon 1182 regarding their administration and the rendering of accounts to the Ordinary are observed; and whether the collectors abstain from vexatious and offensive solicitations.

12. Concerning the stipend for Masses, how the prescriptions of canon 831 regarding the synodal tax are observed; canon 835 regarding the Masses not to be collected from priests who are unable to provide for them within the year; canon 841 regarding the transmission to the Ordinary of Masses in excess; canons 843 and 844 regarding the book, both personal and pertaining to the church, for recording Masses.

13. Whether inventories of the real property, movable property, and sacred furnishings of each church, parish, chapter, confraternity, and other pious institutions, which have been canonically erected, are made in duplicate, one copy for the pious work itself, and the other for the episcopal curia, in accordance with canons 1296, 1522. Care must be taken to prevent, and how to prevent, the movable and sacred furnishings of a church or of a pious institution from being dispersed or stolen upon the death of the pastor or superior. Canons 1296, 1300-1302.

14. Whether the Bishop maintains an archive, erected and kept in accordance with canons 375-378; and whether it contains documents and books concerning which reference is made in canons 470 § 3, 1010, 1047, 1107; from what time the documents originate, and whether parchment documents and incunabula are preserved, with a catalog prepared; whether also a separate secret archive, or at least a locked cabinet, is maintained in which secret documents are kept, observing the rules of canons 379-380.

15. Whether the cathedral church, collegiate church, parish churches, confraternities, and other pious institutions canonically erected, also maintain their own archives, containing all documents pertaining to the pious cause, along with inventories of movable and immovable property, and a catalog of all documents; and whether a copy of this catalog has been presented to the episcopal curia, and deposited in the curial archive, in

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accordance with canon 383.

[*Latin ed. p. 491*]

SACRED CONGREGATION OF THE COUNCIL OF TRENT, CHAPTER 491, SECTIONS II. Concerning the Faith and Divine Worship.

16. Whether grave errors against the faith are spreading among the faithful within the diocese; or whether some superstitious practice or one foreign to Catholic institutions prevails in the diocese; or whether modernism, theosophy, or spiritism infects the diocese, and whether any of the clergy are infected by these same errors. What has been, or still is, the cause of this evil. Whether a council exists, composed of vigilant individuals, and what fruits it derives from the fulfillment of its duties. Whether a profession of faith, accompanied by an anti-modernist oath, is required, and whether all to whom it applies faithfully perform it, according to canon 1406 and the decree of the Holy Office of March 22, 1918.

17. Whether the divine worship is freely exercised; if not, from what obstacles does it arise: from civil laws, from the hostility of perverse men, or from another cause; what means are employed to remove them, and with what success.

18. Whether the rights of the Church concerning cemeteries, enclosures, and coverings are observed, and whether the canonical laws concerning these matters are observed and can be observed. Canons 1205 and following.

19. Whether, in the divine worship, in the veneration of saints, sacred images, and relics; in the administration of the sacraments; and also in the sacred functions, whether concerning the rites, or concerning the language and the singing, the canonical and liturgical laws are observed. Whether any particular customs have arisen in these matters, and what they are; whether care should be taken to remove them, or rather, whether they should be tolerated, and for what reason. Canons 731 and following; canons 1255 and following. Whether in the churches there are paintings, statues, or other things foreign to the sanctity of the place, or less in harmony with the liturgical laws; and what should be done to remove them. Whether profane gatherings and fairs are ever held in or near the house of God, even for pious purposes. Canon 1178.

20. Whether the number of churches in each town or parish is sufficient to meet the needs of the faithful.

21. Whether, in general, the churches are clean, decently adorned, and adequately furnished. Whether there are churches that are poor, squalid, and dilapidated, and what is being done to restore them. Whether the churches, if any, are distinguished by their architecture, paintings, or valuable furnishings; and whether due care is taken with regard to all of these

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things.

[*Latin ed. p. 492*]

Acts of the Apostolic See - Official Commentary, Part 22. Whether entrance into churches, while the sacred rites are being performed, ought to be, as it should be, absolutely and always free. Canon 1181. 23. Whether churches are duly guarded so that they may not be exposed to theft and profanation; and those in which the Most Holy Eucharist is reserved, especially parish churches, are opened daily for several hours to the faithful, according to canon 1266: how these things are to be observed; canons 1267 and 1268 concerning the custody of the Most Holy Sacrament in one place and altar only; and concerning the most excellent adornment and ornaments of the same altar; canon 1269 concerning the condition of the tabernacle; canon 1271 concerning the light before the Most Holy. CHAPTER V. Concerning those things which pertain to the Ordinary. 24. Let the Ordinary indicate by what revenues he enjoys his office, whether they are from immovable property, from the public loan or treasury, from uncertain funds of the Curia, from the contribution of the diocese, or from other causes; and whether they are sufficient for him; what episcopal residence he inhabits, and with whom he dines; whether and what cathedral he requires, according to canon 1504; whether and what other dues he may impose, according to canons 1505 and 1506; whether he is burdened with any alien property, whether as Ordinary or as a private person; and by what means he provides for its extinction. 25. Whether he has taken care of the episcopal buildings and goods of the table, whether movable or immovable, after a careful inventory has been made, according to the aforementioned canons 1483, 1299 § 3, and 1301. 26. Whether, in the last vacancy of the see, besides the Vicarius Capitularis, an economist was also appointed for the goods of the table; and whether the affairs were well managed, according to canons 432 and 433. 27. How he fulfills the requirements of residence; with what frequency he celebrates pontifical Masses, delivers sermons, and instructs the clergy and the people with pastoral letters; how he takes care that ecclesiastical laws are made known, and that they are faithfully observed by all. Canon 336. 28. With what frequency he administers the sacrament of Confirmation; and how he provides, if he himself cannot attend to all needs. Whether the rules concerning the age of those to be confirmed and concerning sponsors are observed in the administration of this sacrament.

[*Latin ed. p. 493*]

1. Has the Holy Congregation promoted any individuals to the sacred orders, either by himself or through another, within the five-year period? And has he observed the laws regarding the non-promotion of those who are not necessary or useful, according to canon 969, and those who have not completed at least the entire theological curriculum in the Seminary,

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according to canon 972 § 1?

2. Has the number of priests been sufficient for the needs of the diocese? Has he incardinated any individuals, and if so, for what reason? And has he, according to canon 111 and following, observed the law?

3. Have the regulations of canon 877 and following been observed in granting the faculty or license to hear sacramental confessions? And have the regulations of canon 893 and following regarding reserved cases been observed?

4. Concerning the administration of the sacraments, has he ensured that everything proceeded correctly, according to the Constitution of Pope Benedict XV and the norms provided by the Holy Congregation on June 28, 1917? And, most importantly, has he ensured that the prescriptions of canon 1340 and following regarding the granting of a license, and canon 1347 regarding the manner and content of the sermon, were observed? Has he taken steps to ensure that the wish expressed in canon 1345, regarding the gradual implementation of a brief homily at all festive Masses, is put into effect?

5. Has he, to the best of his ability, endeavored to dissuade the faithful from marriages with non-Catholics, infidels, or the impious, according to canons 1060, 1064, 1065, and 1071?

6. Within the five-year period, has he himself, or through another, visited the entire diocese, according to canons 343-346? Has he, in addition to places and things, also visited the clergy, hearing them individually, in order to learn about the details of each person's life, the frequency of their confessions, etc.? Has he also inspected matters concerning the fulfillment of bequests and the satisfaction of obligations related to Mass stipends, and has he ascertained that everything proceeds according to the norms of the law, according to canons 824-844? And if he has detected any abuses in this matter, he should report them.

7. Has he held a diocesan synod, and when was the most recent synod held? (Canons 356-362).

8. If he is a Metropolitan or President of Conferences, has he convened the Council and the Conferences, and when? Who participated? And what was the outcome? (Canons 283-292). Other Bishops: Have they attended the provincial Council and the Conferences, either in person or at least through a representative? (Canon 287).

9. How has he related to the civil authority of the place? Has the episcopal dignity and jurisdiction always been maintained in such a way that it has never, through subservience to human powers or in any other way, caused detriment to the freedom and immunity of the Church, or brought

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disgrace to the ecclesiastical status?

[*Latin ed. p. 494*]

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CHAPTER V. Concerning the Diocesan Curia.

37. Whether the diocesan curia possesses its own, sufficient, and suitable buildings; and if not, how this deficiency can be remedied. A list of the officials of the episcopal curia should be presented, including the synodal judges, examiners, parish consultors, censors of books, and other particular administrators. Canon 363 and following.

38. Some description should be given of the qualities and duties of the vicarius generalis and other principal administrators.

39. What are the revenues of the curia, whether from taxes, or from various monetary sources, or from other titles: and how are they disbursed?

CHAPTER V I. Concerning the Seminary.

40. If the diocese lacks a seminary, how is provision made for procuring priests necessary for the diocese? Should an effort be made to select suitable young men from the diocese itself, in order to form a native clergy; with what results? And where should they be educated? Canon 1353.

41. If a seminary exists, a report should be presented, clearly stating: a) the number and status of those who administer external discipline, those who spiritually guide the students, those who teach, and those who are learning; b) the condition of the buildings and the grounds; c) the revenues and expenses, that is, the financial status of the pious institution; d) what appears necessary for the better condition of the seminary.

42. A distinction should be made between a major and a minor seminary, according to canon 1354 § 2. And although prudence may suggest, or the condition of the diocese may require, that only a minor seminary, or an apostolic school, as it is called, be established, it should be stated where the more advanced students will be educated: whether in the seminary proper of the province, or region, or in an interdiocesan apostolic institution, established by apostolic authority, according to canon 1354 § 3. And some description of this should be given.

43. Whether the regulations have been observed: canon 1356 concerning the seminary tax; canon 1357 concerning the visitation of students and internal regulations; canons 1358, 1360, 1361 concerning disciplinary, economic, and spiritual direction; canon 1359 concerning those appointed.

[*Latin ed. p. 495*]

Sacred Congregation Consistorial, canon 495, paragraph 1363, concerning the admission and expulsion of students; canon 1371, paragraph concerning dismissal or expulsion; canons 1364-1366, concerning literary and scientific instruction, especially of philosophy and theology; canon 1367,

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concerning exercises of piety; canon 1369, concerning the fostering of ecclesiastical spirit and the transmission of the laws of decorum. 44. Whether the Ordinary has taken care that some student, distinguished by piety and talent, may attend the special colleges of the City, or the Universities or faculties approved by the Holy See in the City or elsewhere, so that he may complete his studies there, according to canon 1380. CHAPTER V I I. Concerning the clergy in general. 45. Whether the clergy in general have what is necessary for living honorably. Whether houses or at least subsidies are available to assist the elderly and infirm. 46. Whether a house is maintained for the spiritual exercises of the clergy: whether also it receives penitents. 47. With what result has the Ordinary endeavored to ensure that all clerics fulfill what is prescribed: canon 125, concerning sacramental confession and exercises of piety; canon 126, concerning periodic retreats for spiritual exercises; canon 130, concerning annual examinations of newly ordained priests; canons 131 and 448, concerning meetings of the clergy; canon 133, concerning cohabitation with women; canon 134, concerning the common life of clerics, especially of vicars and co-operators with their pastor, canon 476, § 5; canon 135, concerning the recitation of the Divine Office; canon 136, concerning the wearing of ecclesiastical garb and the tonsure; canon 811, concerning the wearing of the clerical habit in the celebration of Mass; canon 137, concerning guarantees to be avoided; canons 188-140, 142, concerning abstinence from all things that would disgrace the ecclesiastical state, from theaters and worldly spectacles, and from the management of secular affairs. 48. Whether and how many clerics have been granted permission, as mentioned in canon 139, § 3, to devote their services to archives or monetary institutions, cooperative societies, rural organizations, or similar ones: whether, for the sake of the common good, and in the absence of lay people, and for the benefit of religion, this permission has been granted; and whether these reasons for the concession still persist.

[*Latin ed. p. 496*]

Acts of the Apostolic See - Official Commentary 496: Whether the institutions and principles of those places where clerics perform some work are such that it would be unbecoming for a priest to be involved in them; whether in these same institutions, administration is conducted so properly that all danger of corruption is absent, in which priests might be entangled; and how to safeguard the security of this knowledge; finally, whether those who have been associated with these institutions have deviated from the practice of religious priestly life, and have caused some disturbance: and if so, let the Ordinary present the case and suggest remedies. 49. Whether the clergy render that obedience and reverence which canon 127 prescribes towards their Ordinary, and towards the Apostolic See: and if there are those who are seriously deficient, let the Ordinary report them. If there is in the

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diocese a clergy of diverse rites and languages, what is the charity among the clergy: and what care has the Ordinary shown for both? 50. Whether the clergy generally undertake the offices which the Ordinary, according to canon 128, commits to them; whether there are those who, although endowed with abilities, prefer to live idly; whether there are those who frequent secular universities; whether these observe and do observe the laws established by the Sacred Congregation for the Consistorial Affairs; and if such are present, let the Ordinary indicate them. 51. Whether there are priests who write in, or manage, daily newspapers and periodicals: and with what ability and usefulness they perform this task. Canon 1386 § 1. 52. Whether there are among the clergy those who read newspapers and periodicals, or books, which are scandalous; who improperly involve themselves in municipal or political factions; who have been drawn to, or have voluntarily returned to, the secular state. Canons 211-214: and what is to be done regarding these. 53. Whether and with what result the Ordinary has imposed some of the penalties mentioned in canon 2298: and let him report more serious cases. CHAPTER VIII. Concerning Chapters. 54. If a cathedral chapter is lacking, let it be stated how many diocesan consultors there are, and whether they observe concerning themselves what canons 424-428 establish. 55. If a cathedral chapter exists, let it be stated how many it consists of, in terms of dignities and canons.

[*Latin ed. p. 497*]

I. Whether canonical theologians and penitentiaries are present; and whether they observe what canons 398-401 prescribe; whether other beneficed individuals are present, and how many.

56. An account shall be given of the endowment of the Chapter or of the benefices. Whether the rules of canon 395 are observed and followed in the distribution or apportionment of revenues.

57. If there are canonical offices or benefices subject to patronage, whether the Ordinary has taken care, and with what result, that spiritual patronage, or at least the right of presentation, be exercised in accordance with canon 1451.

58. Whether the statutes are present, according to canons 410 and 416.

59. How many canons are present in honor; and whether the rules of canon 406 are observed concerning them.

60. When the episcopal see is vacant, what arrangement is in place for the governance of the diocese; and whether the discipline prescribed by canons 429-443, which was in force during the last vacancy, is still observed.

61. Something shall be said about the manner in which the Chapter performs its sacred functions, how it conducts itself towards its Ordinary, and about other matters pertaining to its good reputation.

62. If there are Chapters in the diocese, especially collegiate Chapters, or

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communities of clergy acting in the manner of Chapters, the Ordinary shall report on them, analogously to what is required for the cathedral Chapter.

CHAPTER IX: Concerning Vicars, both Forane and Parochial.

63. It shall be reported whether the vicars forane diligently fulfill all that canon 447 prescribes concerning vigilance over the clergy within their jurisdiction or district, concerning the care that canonical laws and decrees of the Ordinary are observed, and other matters; whether they visit the parishes according to the norms established by the Ordinary; and whether they render an account annually to the Ordinary regarding the state of their vicariate, according to canon 449.

64. Whether all parishes are provided with their own proper pastor; and whether the law promulgated by canon 460, which prescribes that there be one pastor in each parish, is observed, and whether any custom is disapproved of and any privilege revoked.

65. Whether there are any parishes that are not perpetual, how many, and for what reason. Whether there are any united to Chapters, whether cathedral, collegiate, or to a religious house, or to any other moral person; and in this case, whether the laws are observed.

[*Latin ed. p. 498*]

498 Acta Apostolicae Sedis - Official Commentary concerning the appointment of a pastor with the right to freely exercise the care of souls, according to canons 415, 471, and 609 § 1. And if the pastor is a religious, whether the conditions prescribed by canons 630 and 631 regarding this matter are fulfilled. 66. Whether there are patronages, and if so, to what extent; whether the Ordinary has accepted spiritual patronage in place of legal patronage, or at least has accepted the right to present candidates, according to canon 1451; if not, whether the laws and canons 1457 and following have been observed, especially canon 1452 in the case of an election or popular presentation. 67. Whether the provision of parishes that are to be freely collated is made through a competition, and by what method the competition is held. Canons 455 and following. 68. By what revenues do the pastors live, whether from immovable property, from public funds or treasury, or from uncertain sources, such as the contributions of the parish and the faithful, or of the diocese? Whether they generally live comfortably, and whether there are any who are suffering from poverty. Whether the parish generally has a suitable and sufficient parochial house; and if not, whether there is an effort and a likelihood that it can be provided. 69. Whether the pastors generally fulfill what is prescribed: canon 463 § 4 concerning the provision of gratuitous ministry to those who are unable to pay; canon 465 concerning residence; canon 466 concerning the offering of Mass for the people; canon 467 concerning the administration of the sacraments and the zeal for the salvation of souls; canon 468 concerning the care of the sick; canon 469 concerning vigilance to prevent errors against the faith

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and vices from spreading; and concerning the establishment and fostering of works of charity, faith, and piety in the parish; canon 470 concerning the proper preparation of parochial records; concerning the delivery of copies annually to the Episcopal Curia; canon 785 concerning the sacred oils, which must be kept by the pastors in a suitable and safe place. 70. Concerning Baptism: whether each parochial church is equipped with a baptismal font, according to canon 774; and if infants cannot be transferred to the parochial church without danger or serious inconvenience, whether the pastor readily and willingly goes to the nearest church or public oratory to administer the sacrament, according to canon 775. 71. Concerning the Most Holy Eucharist: whether the pastors have the care and the unremitting zeal, according to canon 863, that the faithful may be nourished more frequently, and even daily, with the Eucharistic bread;

[*Latin ed. p. 499*]

499. Sacra Congregatio Consistorialis decrevit, ut, iuxta canonem 865, infirmi, dum plene sunt sui compos, Sacrum Viaticum suscipiant; ut, iuxta canonem 1273, 1274 et 1275, cultus SSmi Sacramentiaugeatur, excitando fideles ad cotidianam Missae adsistentiam, ad visitationem serotinam peragendam, exponendo statis temporibus SSmam Eucharistiam, aliaque utilia peragendo; ut, iuxta canonem 854, servata quidem parentibus et confessariis debita libertate ad iudicandum de sufficienti puerorum dispositione ad primam communionem, iidem parentes ne negligant officium suum, et alii abusus ne subrepant. 72. Circa extremam unctionem: ut parochis cura sit, ut hoc sacramentum ab infirmis recipiatur, dum ipsi plene sunt sui compos. 73. Circa matrimonii celebrationem: ut parochis cura sit diligens observandi quae praescripta sunt in Codice, libro I, titulo VII, circa libertatem status, impedimentorum dispensationem, sacros ritus, et adnotationem matrimonii. 74. Circa catechesim: ut ab omnibus parochis diligenter servantur quae praescribit: canon 1330, circa peculiarem catechismum pro prima confessione et communione et pro confirmatione puerorum; et canonibus 1331-1336, de catechismo diebus festis impartendum pueris tum adultis. 75. Circa evangelii explanationem: ut ab omnibus lex servetur, canon 1344; circa sacras conciones: ut statis quibusdam temporibus sacrae conciones frequentius habeantur ad normam canonis 1346, et sacrae missiones iejungantur juxta canonem 1349. 76. An vicarii cooperatores aliique animarum curatores suis officiis laudabiliter fungantur, juxta canonem 473 et sequentes. CAPUT De X. religiosis. 77. An Ordinarius, sive per se, sive per alium, quinquennalem visitationem domorum religiosarum peregerit, juxta canonem 512, 513: et quae notabiliora adnotanda habeat. 78. Utrum religiosi, sive viri, sive mulieres, vitam communem ducant; an sint qui habitent soli, vel in domibus privatis cum saecularibus, et quo iure; quae sit in utroque casu

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eorum fama.

[*Latin ed. p. 500*]

Acta 500 Apostolicae Sedis - Official Commentary regarding the utility for the diocese; whether they impart catechesis, if the Ordinary requires it according to canon 1334; regarding their manner of proceeding. 79. If there are those seeking, whether men or women, whether the canonical prescriptions of canons 621, 622, 624 are observed: whether any inconvenience has occurred, or whether anything concerning this matter should be noted. 80. If any congregation of diocesan law, or society, whether of men or women living together without vows, exists, the Ordinary shall state its name, purpose, number of members, utility, and whether any other matters are to be observed. 81. The Ordinary shall report whether any offense exists with religious [persons] in the exercise of his jurisdiction. 82. If there are religious men already initiated into the sacred orders, who have been expelled from their cloister, secularized, or dismissed from religious life, the Ordinary shall report what should be said about them according to canons 639, 640, 669 and following. 83. Regarding religious women, the Ordinary shall report: a) whether the canonical laws concerning admission to the novitiate, profession, enclosure, confessors, and the administration of temporal goods are observed, according to canons 512, 513, 520-527, 533-535, 547, 549, 550, 552, 600-605; b) if any monasteries of nuns are subject to superiors according to the rule, whether the Ordinary is subject to them in cases of just cause, according to canons 500 § 2 and 615; c) what active lives they lead, with what works they are occupied, and with what benefit; d) if any assist the infirm in private homes, or perform domestic tasks in hospitals, seminaries, or similar institutions for men, whether precautions are taken against the dangers that are present in these activities, and whether anything is to be deplored. CHAPTER XI. Concerning the faithful people. 84. It should be stated what the general character of the people is: what Christian life is like in private within families: what it is like publicly in towns and cities: whether it consists more in external pomp and solemnities than in the true spirit of piety. And if there are notable differences between one place and another, they should be indicated. What should be done so that the profession of the Christian life, if it has somewhat declined or strayed from the right path, may gradually be restored.

[*Latin ed. p. 501*]

Sacred Congregation of the Council, 501, 85. How the people ought to show reverence to clerics, and especially to the Bishop and the Holy Pontiff. Canon 119. 86. What observance is required: concerning the observance of the holy precept of hearing Mass and abstaining from servile works on holy days, canons 1248 and following; concerning abstinence and fasting, canons 1252, 1254 and following; concerning the diligent administration of

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Baptism to infants, canon 770; concerning the Paschal Communion, canon 859: how many, of both men and women, who, although of the Catholic profession, nevertheless neglect it, in proportion to each hundred of the faithful; concerning frequent Communion, canon 863; concerning the sacraments of Penance and the Eucharist, canons 865 and 944: whether among those who are considered Catholics, there are those who defer, neglect, or even refuse these sacraments: and the number of such persons should be stated, in proportion to each hundred; concerning the reprobation of cremation and funerals, canons 1203, 1239 and following: it should be stated, maintaining the proportion as above, how many of those who are called Catholics are buried with merely civil or irreligious funerals: whether this occurs due to the excessive cost of the Church's rites, or for some other reason. 87. Concerning marriage: whether purely civil marriages, concubinage, and divorces occur, and in what proportion; whether vices contrary to the sanctity of marriage have occurred; what is being done to remove these evils. 88. Where Catholics are mixed with non-Catholics, and mixed marriages occur, the number of such marriages should be stated, both absolutely and in relation to non-mixed marriages: what harm results to religion from this; whether those entering into these marriages observe the clauses of canon 1061. 89. Concerning the Christian education of children: how, in general, parents and those who are in the place of parents fulfill this most serious obligation, as stated in canons 1113 and 1372: and what care is taken to prevent the faithful from failing in this duty. 90. Concerning schools: whether, in public schools, especially elementary schools, the prescription of canon 1373 regarding the religious instruction of children is observed. And if not, for what reason; whether care is taken to establish denominational schools for Catholic children, and to prevent them from attending non-Catholic, neutral, or mixed schools, according to canon 1374. 91. Concerning the condition and status of denominational schools, especially elementary schools, a detailed report should be given: how they are supported, how many students they have, and what progress they are making. And if denominational schools have not been able to be established, the reason should be indicated.

[*Latin ed. p. 502*]

502 Acta Apostolicae Sedis - Commentarium Officiale: et dicatur, si opera post-scholastica, hoc est, orationes festivas, congregationes Marianas, scholas catechisticas, aliisve modis, cantus pro viribus, sint ad praeservationem puerorum et puellarum. 92. De religiosis et piis laicorum associationibus: si in dioecesi sunt tertii Ordines saeculares, et confraternitates, praesertim SSmi Sacramenti et Christianae doctrinae, aliaeque, pia uniones potissimum pro iuvenibus: quo numero et quo religionis profectu. 93. Si hae associationes servant omnia praescripta: can. 690 de subiectione erga Ordinarium; can. 691 de administrationis modo.

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94. Si inter catholicos sunt associationes illae, quae sociales vocantur, agricolarum, operariorum, mulierum in hunc vel alium caritativum finem, vel mutuum subsidium; si asyla pro infantibus, patronatus pro iuvenibus, pro emigrantibus etc., circuli pro iuventute, laboratoria pro artificibus, vel pro puellis etc.: quo spiritu aguntur: si directioni et moderationi Ordinarii et Apostolicae Sedis dociliter subsunt: quaenam beneficia sive moralia sive temporalia praestant. 95. Si cura sit ut qui his associationibus, sive religiosis et piis, sive socialibus adscripti sunt, in fidei doctrina instituuntur et christianam vitam ducant. 96. Si et qua diffusione ephemerides vel diaria obscoena, irreligiosa, modernistica vel liberae dioecesim pervadant: si libri quoque huius generis diffusi sunt: quid fiat ad tantum malum coërcendum et quo fructu. 97. Si massonicae sectae addicti, vel etiam massonicae tabernae in dioecesi habeantur: quanta et quali activitate operam adversus religionem moliantur: quid fiat ad occurrendum huic malo. 98. Si socialismi societates habeantur: quot numero, quanti momenti et quali religionis noxa: et quid fiat ad hanc avertendam. 99. Utrum in exercitio iurium politicorum et civilium fideles catholici religionis bono et Ecclesiae libertati pro viribus consulant.

CAPUT XII. Iudicium syntheticum Ordinarii circa dioecesis statum.

100. Denique Ordinarius, omnibus in universum complexis, dicat, praesertim in prima sua relatione, quid actu sentiat de materiali et morali conditione dioecesis, quae spes melioris status affulgeat, quaenam maiora discrimina immineant.

[*Latin ed. p. 503*]

The Most Holy Congregation Consistorial [S. Congregatio Consistorialis] 503. In the following reports, [it should be added] how and with what result the instructions and mandates have been carried out, if anything that the Most Holy Congregation has indicated in its response to the preceding report. And whether progress, regression, or rather, a virtually unchanged state appears to be present in the diocese concerning matters of faith and morals, and what are considered to be the causes thereof. Given in Rome, from the offices of the Most Holy Congregation Consistorial, on the 4th of November, 1918.

[Signed] C. CARD. DE LAI, Bishop of Sabina, Secretary. L. 83 s. f. V. Sardi, Archbishop of Caesarea, Assistant.

III. PROVISIONS FOR CHURCHES. By the decrees of the Most Holy Congregation Consistorial, the Most Holy Pope Benedict XV has provided for the following churches, namely:

On November 9, 1918. – He appointed the Reverend Joseph Lo Iacono, canon of the metropolitan church of Benevento, as the rector of the cathedral church of Ariano.

On November 9. – He appointed the Reverend Adolphus Joseph lelow-

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icki, the urban pastor, parish priest of the Most Holy Trinity in the city of Warsaw, as the titular bishop of Loryma, to serve as an Auxiliary to the Most Reverend Mariani Fulman, Bishop of Lublin.

[*Latin ed. p. 504*]

504 Acta Apostolicae Sedis - Commentarium Officiale

SACRA CONGREGATIO CONCILII DIOECESIS

N. MISSARUM MANUALIUM

15 iunii 1918

SPECIES FACTI.

In civitate N., nonnulli parochi, per litteras missas a Reverendissimis Dominitris Superioribus, exponunt quod in ecclesiis suis colliguntur multa stipendia Missarum, oblata a fidelibus, ad rationem 1,70 - 2 francorum, cum taxa dioecesana ibi vigens sit libellae unius cum dimidia (L. 1.50). Hactenus poterant inveniri sacerdotes qui illas Missas celebrarent, et inde providerent ne deficerent sacra in suis ecclesiis, ad quas magna semper multitudo fidelium concurrit. Nunc vero id fere impossibile evasit, cum singulis sacerdotibus diebus ferialibus dantur in ea civitate pro Missa lib. 2,50 et diebus festivis lib. 5 saltem; quamobrem magnus iam cumulus stipendiorum Missarum non celebratarum in manibus Oratorum excrevit. Deficientibus hinc aliis reditibus, legatorum aut capellaniarum quibus stipendii defectus fortasse compensari posset, urgente inde necessitate ne Missae, statis horis, populo ecclesiam celebranti deficiant, postulant Oratores facultatem, qua ex cumulatis stipendiis atque ex colligendis in posterum, possint capellaniae creari, ita ut quivis capellanus accipiat pro Missis 5-7 libellas diebus festis, 2,50 - 3 ceteris diebus.

Adnuit quidem precibus, de expositorum veritate testatus Ordinarius, ea tamen lege ut reducendi facultas offerentibus nota fiat per publicum monitum in sacristiae tabella ponendum, et singulis annis ratio reddatur Curiae de Missis collectis et celebratis, a cumulatione autem excipiantur Missae quarumprompta celebratio ob specialem causam aut pro re gravi petitur.

ANIMADVERSIONES.

Quoad petitionem hisce supplicibus libellis contentam, primo loco habendaprae oculis est specialis quaedam difficultas, quam praesefert cumulatio Missarum manualium a diversis fidelibus oblatarum, earumque reductionem ad pauciorem numerum, prae cumulatione ac reductione

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Missarum fundatarum aut piorum legatorum.

[*Latin ed. p. 505*]

505. The Holy Congregation of the Council has decreed. For Masses endowed and pious legacies for the celebration of many Masses contain the obligation to have a specific intention for which the founder or testator wished the Masses to be celebrated; therefore, the reduction is made only in the number of Masses, and therefore it does not present a serious difficulty, since the Church, by reducing the number, makes up for it in other ways from the spiritual treasury of which it is the dispenser; and thus, the end for which the endowed or bequeathed Masses were established is not harmed by a smaller number of Masses. On the contrary, when it is a question of manual Masses, collected individually, the accumulation and subsequent reduction pose a very serious difficulty, because each Mass offered is for a distinct, expressly intended, and determined purpose by the offerer, who, by offering the stipend, intends to enter into a certain contract, by virtue of which the Mass must be applied solely for the designated intention, and not cumulatively with other intentions. But, if manual stipends, collected individually, are accumulated and then reduced to a smaller number, then no Mass is offered specifically for the intended purpose, but all, reduced to a smaller quantity, are offered cumulatively for all intentions. Therefore, it seems that the contract with the offerer is not at all fulfilled: so that it can easily be presumed that, if someone had said to him that he would be fulfilled in the obligation imposed, he would hardly have given the stipend, but would rather have sought another priest who would be willing to celebrate Masses for a particular need and intention. These considerations do not demonstrate a lack of power in the Roman Pontiff to accumulate and reduce even manual Masses collected individually, since the treasury of the Church, entrusted to him, is infinite, and suitable for meeting any needs; but they certainly show that a more serious reason is required for the reduction of manual Masses than for the reduction of endowed or bequeathed Masses. But this more serious reason does not seem to be present in the case when the end or benefit intended by the Orators can be obtained by another way and means. And indeed, the reason alleged is not specific and particular to the churches of the Orators, but is common to all churches of the diocese, or rather, of many dioceses: namely, that priests now more easily find established diocesan taxes that are better, and therefore do not want to obligate themselves to celebrate Masses at fixed times and places for a lower stipend; therefore, instead of resorting to individual requests, it seems more appropriate to seek a general remedy, which is readily available: namely, the modification of the diocesan tax, whose current constitution of only L. 1.50 prevents the parish priests from demanding a higher stipend from the offerers (cf. canon 831, § 1), and its elevation to that which, according to the Ordinary, is already customary in

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the diocese, namely L. 2.50. In this matter, it is worth noting, ACTA, vol. X, n. 12. — 5-12-918. 33

[*Latin ed. p. 506*]

506 Acta Apostolicae Sedis - Official Commentary. Although it is certainly true, it is not necessary that the alms offered for a Mass be so great as to provide for the complete sustenance of the priest on the day he celebrates, because, as Benedict XIV aptly observed from Suarez, "the act of sacrificing does not require the whole day, nor a greater part thereof; therefore, it is not necessary that the priest be entirely supported by that for whom the sacrifice is offered" (De synodo dioecesana, book V, chapter 8; cf. Quaestiones Canonicae 506). Nevertheless, it is true that a just payment should be given to the priest celebrating, in order to provide for at least a partial sustenance, and this is the reason by which the Church allows and indeed requires that a payment be received. Consequently, this payment must be proportionate to that partial sustenance for which it is given, so that it is sufficient to provide for it; therefore, in its determination, account must be taken of the circumstances of the place and time, and especially of the abundance or scarcity of provisions, as Pasqualig notes (De sacrificio N. Legis, question 925). And consequently, where provisions are more expensive, a larger payment is required, and where they are cheaper, a smaller payment is sufficient. This principle was applied by this Holy Congregation in a Decree of the Congregation of Cardinals, dated December 7, 1675. It is commonly held by Doctors that the amount of the alms and its just assessment should be determined either by the common custom prevailing in the diocese, or by a law of the synod, or by a decree of the bishop. This common opinion has been repeatedly affirmed by the decisions of this Holy Congregation, for example, in the case of Aprutina, November 15, 1698, and is confirmed by the authority of the law in the Code of Canon Law, canon 831. Therefore, since a determination has been made in the diocese of N. by a statute of the synod in the amount of 1.50 florins per day for weekdays; and since, moreover, the usual rate, or that established by custom, is already different from this, and amounts to at least 2.50 florins for Masses celebrated on weekdays and 5 florins for Masses celebrated on Sundays and holidays, and this has been testified by the Bishop, and given the urgent need for habitual and ordinary charity in providing for provisions, it must be said that the synodal rate has been replaced by another, established by custom or usage, and indeed a reasonable one. Therefore, it remains only to make this substitution also legally valid. And this is absolutely necessary and sufficient to remove the inconvenience that gave rise to the present petitions. As long as the Bishop's decree does not define that the usual rate must be maintained in the diocese, it will not be easy to persuade the faithful to pay the usual rate for the celebration of Mass. On the other hand, the collection of a payment from the priest exceeding this

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rate is not permitted, although it is not forbidden to accept a more generous alms offered spontaneously. But if, by a decree of the Bishop, the rate were to be changed and increased to that amount,

[*Latin ed. p. 507*]

507 The Holy Congregation of the Council, concerning the matter, has decreed that priests may safely demand a fixed sum as a stipend; in order that the faithful may be more easily persuaded, and gradually accustomed, to offer a larger or more appropriate stipend for Masses, especially if the Episcopal decree is publicly displayed in the sacristy of each church. Nor does the fact that a synodal tax has been approved in a synod mean that the Bishop lacks the power to change it by a new decree. For the decrees of diocesan synods are mutable, like other laws; and since these decrees derive their force and efficacy solely from the authority and jurisdiction of the Bishop, which is the same whether exercised in a synod or outside of it (Benedict XIV, *De syn. dioec.*, book XIII, chapter 5), the Bishop can, by his decree, establish a new tax, revoking the old one; and just as the decrees of the synod are promulgated after hearing the advice of the Cathedral Chapter, so, for the promulgation of this Episcopal decree, the advice of the Chapter should be heard beforehand, although this is not strictly required by law.

RESOLUTION. – Therefore, after the aforementioned observations and the prayers of the Orators were presented at the plenary assemblies held on June 15, 1918, in the Apostolic Palace at the Vatican, the Eminent Fathers considered it necessary to write the following: It is to be issued and understood that the Ordinary N. should strive to increase the synodal tax, and with regard to Masses not celebrated or accumulated, unless it is a question of Masses offered for an urgent cause, he should provide for canon 841 of the Code of Canon Law.

Subsequently, a report on the foregoing was presented to His Most Holy Lord Benedict, Divine Providence, Pope XV, in an audience granted to the undersigned Secretary on June 16 of the same month and year, and His Holiness deigned to approve and confirm the resolution of the Eminent Fathers.

I, MORÍ, Secretary.

[*Latin ed. p. 508*]

508 Acta Apostolicae Sedis - Commentarium Officiale

SACRA CONGREGATIO DE PROPAGANDA FIDE ET SACRA CONGREGATIO ECCLESIAE

NOTIFICATIO CIRCA MISSIONES ORIENTALES AD DELEGATIONES APOSTOLICAS POLIS, AEGYPTI, MESOPOTAMIAE, PERSIAE,

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CONSTANTINOPOLIS ET SYRIAE PERTINENTES.

In exspectatione dispositionum quas Sancta Sedes, tempore suo, dabit de Missionibus comprehensis in terris Delegationum Apostolicarum Constantinopoli, Aegypti, Mesopotamia, Persiae et Syriae, in relatione ad decreta et instructiones praecedentia data a Sancta Sede de missione Missionariorum et apertura Missionum ritus latini in regionibus Orientis, ut opera sacri ministerii in Oriente floreant iterum cum ordinata et zelante cooperatione Missionariorum Latinorum, et ad providendum ad necessarium et regularem ordinamentum ipsarum Missionum; Sacra Congregatio de Propaganda Fide et Sacra Congregatio pro Ecclesia Orientali, omnium Superiorum Ordinis et Institutorum Religiosorum Latinorum, sive masculorum, sive feminarum, mentem adhibent ad dispositiones sequentes:

1. Non licet, donec nova dispositio, in fines Delegationum Apostolicarum supra indicatarum, quemlibet Religiosum vel Religiosam mittere, ad quemlibet finem, sine expresse licentia scripta Sacrae Congregationis de Propaganda Fide vel Sacrae Congregationis pro Ecclesia Orientali, secundum suam destinationem. Licentiae datae ante bellum Missionariis non sunt revocandae. Sed superiores ipsi tenentur ad ad Sanctam Sedem nomina talium Missionariorum quae iam in Missionibus sunt vel quae intendunt illuc reditum, mittendi.

2. Delegati Apostolici et Ordinarii, Latini et Orientales, in territorio propriae Delegationis et Ordinariatus, celebrationem divinorum mysteriorum et exercitium cuiuslibet ministerii Religiosis Latinis qui licentiam praescriptam non habent, non permittent.

[*Latin ed. p. 509*]

The Most Holy Congregation for the Propagation of the Faith and for the Oriental Church, number 509 of the Holy See, declares that without such permission, it will not allow these religious men and women to exercise any other office, and likewise, it will not permit that in their own Delegation and Ordinariate, by the Missionary Religious and the Missionary Religious Women, any new Mission, Work, or Residence be opened without the written authorization of the Holy See. Those Missions, Works, and Residences that already existed regularly before the war cannot be reopened without the consent of the respective Apostolic Delegate.

Rome, November 15, 1918.

G. M. CARD. VAN ROSSUM, Prefect of the Holy Congregation for the Propagation of the Faith.

NICOLA CARD. MARINI, Secretary of the Holy Congregation for the Oriental Church.

SACRED CONGREGATION FOR RITES

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I GORE ANA ET GOGINGINEN.

DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF BEATIFICATION OR DECLARATION OF MARTYRDOM OF THE SERVANTS OF GOD STEPHEN BERNEUX, BISHOP OF CAPSUS, AND APOSTOLIC VICAR OF COREA, PAUL CHAU, AND THEIR COMPANIONS, WHO, ACCORDING TO REPORTS, WERE MURDERED BY IDOLATERS.

The Society of Missions to Foreign Lands, whose principal house is located in the city of Paris, on the 27th of May of the Jubilee Year 1900, with a feeling of gratitude and joy, witnessed and celebrated the solemn addition to the ranks of the blessed in Heaven, with fitting honors bestowed by the Supreme Pontiff Leo XIII, of forty-nine Venerable Servants of God, martyrs, through sacred ceremonies solemnly performed in the Patriarchal Basilica of the Vatican.

Subsequently, in the year 1909, Pope Pius X adorned himself with a new crown of thirty-three blessed martyrs, and intended to increase this number further through forty-nine more heroes, for whose cause of beatification and declaration of martyrdom proceedings are now being initiated, despite the current political unrest.

Of these Servants of God, who, according to reports, died for the sake of the Faith, twenty-nine suffered...

[*Latin ed. p. 510*]

510 Acta Apostolicae Sedis - Commentarium Officiale report that in the year 1866-1867, a group of twenty-one individuals were sent to the Korean region, and another group of fourteen was sent to the Cochin China region in the years 1860-1861 and 1862. The first group consisted of nine individuals, primarily of French nationality and members of the Society of Missions to Foreign Parts, including two Bishops and Vicars Apostolic of Korea, and seven missionary priests, along with other Korean lay faithful. The second group included four priests, two acolytes, two nuns, eleven men, and one woman. It is fitting to mention a few details about the principal members.

Simeon Berneux was born in the place called Ohateau-du-Loir, in the diocese of Le Mans. After completing his studies in the diocesan seminary, he was ordained to the priesthood and, shortly thereafter, entered the Society of Missions to Foreign Parts. Around the year 1840, he was sent to Tonkin. He had scarcely arrived there when he was accused of propagating the Christian religion, was arrested, and suffered many torments, bearing the marks of torture on his body. Condemned to death, but with the help of God, he was freed by a French ship and went to Manchuria, where he carried out his sacred ministry for twelve years with apostolic zeal, bringing about the conversion of those peoples and the obedience of the Christians to their legitimate pastors. The Apostolic Vicar of that region, Verrolies, had

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chosen Berneux as his coadjutor and had duly consecrated him as a bishop, but, at the urging of the Apostolic Vicar of Korea and with the authority of the Holy See, the Servant of God, having assumed the episcopal title of Capsus, was appointed coadjutor to the Apostolic Vicar of Korea; until, upon the death of the titular, he succeeded him. Merciful, benevolent, a catechist, a confessor, and, in his role as Bishop and Apostolic Vicar, a visitor of the Christian community, he never spared himself in his efforts and labors, and he sought to benefit all those entrusted to him, both clergy and people, as a good shepherd.

In the beginning of the year 1866, on February 28th, while returning from a visit to the Christians, he was seized by soldiers in his house and taken to the praetorium, where he remained imprisoned for three days, bound with chains and burdened with a cangue. Afterwards, he was questioned before both the right and left praetors and the King's administrator, and he bravely declared that he had come to Korea to save souls and to spread the religion of Christ. For this reason, he and his companions were condemned to death, with these words pronounced by the Tribune: "You all hear: The religion which you propagate in Korea is strictly prohibited. You, however, not knowing this, have spread your perverse doctrine in a foreign kingdom, and therefore the King of Korea orders that you be put to death; know this, and die." Then the soldiers attacked the Bishop and his companions, and, brandishing their swords and shouting, they beheaded each of the Servants of God. For three days, the bodies of the Prelate and his companions remained publicly exposed. They were soon collected by Christians and buried near the place of execution, and then, with the intervention of ecclesiastical authority, they were solemnly transferred to another blessed place.

Another Servant of God...

[*Latin ed. p. 511*]

The Holy Congregation of Rites, 511. Anthony Daveluy, born in Ambian, in France, and having completed his theological studies at the Seminary of Saint Sulpice in Paris, was ordained to the priesthood and returned to his diocese, where he served as a parish priest, holding the title of Vicar, and was greatly beloved and beneficial to the faithful. Around the year 1846, he went to Korea, where he first served as a missionary, and subsequently as Bishop of Acon and Auxiliary of the Apostolic Vicar of Korea, for twenty years, diligently and with ardent zeal, fulfilling his ministry; and through constant labors, he brought those peoples to civilization and to the Christian religion. In the year 1866, persecution against the Catholic religion and its missionaries and Christians arose in the city of Seoul, and also spread with fury to other places in that region. In the month of March, the Bishop Daveluy and his companions were attacked by rebels in the village of Kentori, and were held for three days in prison, and then taken to the city of

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the King's residence. When questioned by the tribunal about the Christian religion, the Bishop spoke with a loud voice and an unconquered spirit, defending and upholding the Evangelical faith and its tenets. Therefore, after enduring various and savage tortures, and having been condemned to death, he was struck three times with the sword, and died for the Catholic faith on the feria vi in Parasceve, on that day, his companions, for the name of Jesus Christ, were also killed. The bodies of the Bishop and his companions, exposed publicly for three days, were taken by the Christians, and were reverently and devoutly buried. The third hero, whose name is honored in the title of this Cause, is Paul Chau, born to Christian parents in the place of Go-Thi, in Eastern Cochin China. Having begun his studies in his homeland and completed them elsewhere, he received from Bishop Cuenot the task of instructing catechumens and teaching students in the seminary. Promoted to the priesthood by the same Bishop, he was for about four years the director of the seminary in the village of LangSong. He was arrested and thrown into the prison of the city of Birih-Dinh, and was bound with chains. While devoutly praying in adoration of the Most Holy Sacrament of the Eucharist in that same prison, already prepared to die for Christ, he was beheaded by order of the Mandarin, especially because he was a priest; and his companions, strong in the same Catholic profession, were likewise killed. The bodies of Paul Chau and his companions, buried by the Christians near the place of their execution, were later, during a raging war, sadly consumed by fire; except for the remains of Paul Chau himself, as it is said, which were taken to the College on the island of Pinang, where the Servant of God was renowned for his virtues and sanctity. Therefore, concerning the reputation of the martyrdom of these forty-nine Servants of God, who, as is said, were killed in the regions of Korea and Cochin China, out of hatred for the Faith, Informative Inquiries were prepared by the Apostolic Vicars of both regions, with the authority of the Ordinary, and were sent to Rome to the Congregation of Sacred Rites.

[*Latin ed. p. 512*]

51.2 Acta Apostolicae Sedis - Commentary. Official Transmission. When, with due observance of legal order, all matters are clear, and nothing impedes progress, at the urgent request of the Most Reverend Father Eugene Garnier, General Promoter of the Society of Missions to Foreign Lands of Paris, and after attentive consideration of the petitions of certain Eminences, Cardinals of the Holy Roman Church, numerous Archbishops, Bishops, and Apostolic Vicars, as well as Superiors General of Orders and religious Congregations, and other men of ecclesiastical or civil distinction, the Eminent and Most Reverend Cardinal Januarius Granito Pignatelli di Belmonte, Bishop of Albano Laziale, and Promoter or Relator of this Cause, convened a meeting of the Ordinary Congregations of the Congregation for the Sacred Rites, held on the designated day in the Vatican palaces, and

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proposed the following question for discussion: Whether a Commission should be appointed for the introduction of the Cause, in the case and for the purpose under consideration?

And the Eminent and Most Reverend Fathers presiding over the Sacred Rites, after hearing the report of the Eminent Promoter himself, and after hearing the voice and written opinion of the Reverend Father Angelo Mariani, General Promoter of the Faith, after mature examination and deliberation on all matters, decided to write: That a Commission should be appointed, if it pleases the Most Holy [Father], for sixty-six Servants of God, of whom twenty-six were killed with the sword in Korea, in the years 1866 and 1867, namely: Simeon Berneux, Bishop of Capsus, and Anthony Daveluy, Bishop of Acon, both Apostolic Vicars of Korea; Justus Ranfer de Bretenières, from the diocese of Dijon, a priest and Apostolic missionary in Korea; Louis Beaulieu, from the diocese of Bordeaux (-Bazas), a priest and Apostolic missionary in Korea; Father Henry Dorie, from the diocese of Luçon, a priest and Apostolic missionary in Korea; Charles Pourthié, from the diocese of Albi (-Castres-Lavaur), a priest and Apostolic missionary in Korea; Michael Petitnicolas, from the diocese of Saint-Dié, a priest and Apostolic missionary in Korea; Peter Aumaitre, from the diocese of Angouleme, a priest and Apostolic missionary in Korea; Martin Huin, from the diocese of Langres, a priest and Apostolic missionary in Korea (all of these are members of the Society of Missions to Foreign Lands); Peter Ryou Tjyeng-Ryoul, John Baptist Nam (Tjyong-Sam), Peter Tchoi Tchi-Tchyang, John Baptist Tjyen Seung-yen, Mark Tyeng, a catechist, Alexius Ou Syeihpil, Luke Hoang Tjai-ken, Joseph Tjyang Nak-syo, a catechist, Thomas Son Tja-Syen, Peter Tjyo Hoa - sye, Peter Ni Myeng-sie, Bartholomew Tjyeng Moun-ho, Peter Son Syen-tji, a catechist, Joseph Han, Peter Tjyeng Ouentji, Joseph Tjyo, and John Ni (all of these from Korea); and twenty others from Eastern Cochinchina, who were cruelly put to death in Eastern Cochinchina in the years 1860, 1861, and 1862, namely: Paul Chau, a priest; Joseph Stephanus Chung, a priest; Dominic Canh, a priest; Joseph Thu, a priest; Jacob.

[*Latin ed. p. 513*]

513 The Holy Congregation of Rites, Tuyen and Petrus Quon, having received the minor orders, Joseph Trinh, catechist, Ioachim Bao, Joseph Huu, Hua, Nam, Tan, Siao, Ioachim Qua, Joseph Nghiem, Thaddaeus Qui, Petrus Me, Agnes Soan, a nun, Anna Tri, a nun, and Magdalena Luu. – Regarding the remaining three Servants of God from the Korean region, namely: Petrus Ni Syeng Tchyen, Philippum Ni Syeng Ouk, and Augustinum Song Syeng-po, the investigations and supporting evidence have been extended and are being gathered. November 12, 1918. Subsequently, these matters were reported to the Most Holy Lord, our Pope Benedict XV, by the undersigned Prefect of the Sacred Congregation of Rites, and His Holiness,

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having approved the decree of the same Sacred Congregation, deigned to sign with his own hand the commission for the introduction of the cause of the aforementioned forty-six Servants of God, on the 13th day of the same month and year.

A. CARD. VICO, Prefect of the Portuensis and Rufinensis dioceses, Sacred Roman Church.

L. S. Alexander Verde, Secretary.

URBINO. DECREE CONFIRMING THE CULT EXHIBITED FROM TIME IMMEMORIAL TO THE SERVANT OF GOD, JOHN PELINGOTTO, A LAYMAN OF THE THIRD ORDER OF SAINT FRANCIS, NOW KNOWN AS SAINT AND BLESSED.

John Pelinus, a Goth, commonly known as Pelingotto, a layman of the third Order of Saint Francis, was born in Urbino of a noble family in the year 1240, and shone forth with Christian virtues in his paternal home, especially from the age of twelve. This is confirmed by the testimonies and accounts of those who also illustrated his life and sanctity. The principal historical source is the Life written by an author from Urbino in the 14th century, which has been widely published, from which the Bollandist Fathers and other hagiographical authors have drawn numerous details about the Servant of God, and have included them in their works. As a young man, devoted to commerce with his father, he sought to increase not only the fortune of his family but also that of others; by this method of acting, he clearly demonstrated his detachment from business from the beginning of his career, and shortly thereafter, with his father's consent, he abandoned commerce. Then he dedicated himself to God, to solitude, prayer, and almsgiving.

[*Latin ed. p. 514*]

•514 Acta Apostolicae Sedis – The official record diligently documents its powers and resources. Progressing in Christian perfection, and moved by the example of Saint Francis of Assisi, he scorned earthly things and ardently aspired to heavenly things, following Jesus Christ, poor and humble. Having been received into the Third Franciscan Order, he demonstrated to his companions and citizens clearer advancements and examples of virtue. It is said that he responded to his parents and relatives, who sought to bring him home, with these words: "Do not, I beg you, brothers, trouble me. For I feel that I have found a hidden treasure, which I desire to acquire and preserve, having sold all; for I have the Lord Jesus Christ, who is more precious than any stone, more beautiful than any light, sweeter than any fragrance, more delightful than any taste, superior to any treasure, and more excellent than any virtue." Seeing that he could not appease them, and with his parents insisting, he yielded, albeit reluctantly, and returned home with them, under the condition that nothing would be common to him. Indeed, living at home, he constantly strived to serve and please Christ

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the Lord, through various works of penance, piety, and charity, to the edification and admiration of all, and God Himself, through the sanctity of His servant, still living, marvelously testified. In the year 1300, with the Jubilee proclaimed by the Most Holy Pope Boniface VIII, John came to Rome for the purpose of obtaining spiritual indulgences; and as he was walking through the city with two companions, a certain stranger and unknown man encountered him, and, lamenting the servant of God, burst forth with these words: "Is this not that holy man from Urbino?" Stunned by his companions, Peiingotto, turning to them, wept bitterly, sufficiently demonstrating the sentiments of his humility and the elevation of his mind towards God, groaning with his mouth and heart: "To God, the only wise, through Jesus Christ, to whom be honour and glory for ever and ever. Amen." After having visited the sacred places of the Apostles, he approached with other pilgrims and citizens to receive the alms which the Supreme Pontiff had ordered to be distributed daily to the poor; but when the distributor saw him, he said to the distributor: "Do not give to this man the smallest portion, as to the others, but, as he has requested, give him as much as he asks, and always." For he had seen in that poor pilgrim an inner man and a certain perfection of virtue. Finally, the servant of God, rich in merits and good works, weakened by the austerity of his life and afflicted by a grave infirmity, as he foresaw his approaching death, he devoutly received the sacraments of the Church, frequently invoked his holy patrons, the Virgin Mary and Jesus Christ; with these safeguards, he repelled the attacks of evil spirits and prepared himself for the imminent peaceful passage. To those brothers who stood by and asked him: "Where are you going, Father?" he replied: "To the glory of Paradise"; and, saying these words, he departed for the heavenly homeland with a serene and joyful countenance on June 1, 1304. A large gathering of clergy and people attended the funeral, with the body present.

[*Latin ed. p. 515*]

The Holy Congregation of Rites, number 515, having carefully examined the matter, and finding that the body was honorably buried in the common cemetery and in the burial ground of the Brothers, it was immediately observed that signs or wonders manifested. And, with the faithful gathering from all sides, the Brothers decided to exhume the sacred remains and to carry them to the church of St. Francis, as John, while living, had chosen and ordered. Subsequently, with the increase of signs or wonders, an altar was duly erected over the place by the pious offerings made to the Servant of God, in which the solemnities of the Masses began to be celebrated for his commendation and glory. Regarding the memorial cult of the Servant of God John Pelingotto, the Informative Process was begun in the Court of Urbino, with the authority of the Ordinary, on August 11, 1911, and concluded on July 15 of the following year, with the favorable judgment of

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the Ordinary. It contains the necessary and appropriate testimonies of witnesses, and many and varied documents, carefully selected from ancient and more recent authors, from the archives of the Convent of St. Francis, the Illustrious Municipality, the Court, and the Episcopal Secretariat and Chapter of the Metropolitan Church of Urbino, with which arguments the promoters of the cause seek to prove the memorial cult exhibited to the Servant of God Pelingotto from the year 1486 to the year 1866 and up to the present time. In particular, they cite from the statutes of the Illustrious Commune of Urbino, which state: "By the same Lords Priors, with the assistance of the Authorities and citizens, let a light be lit and an offering made in honor of St. Pelingotto on the last day of May, in the evening, honorably departing from the church of St. Augustine and proceeding to the church of St. Francis, where his most holy body resides." They also add the acts of the three canonical recognitions of the remains of the Servant of God, carried out by the Archbishops of Urbino in the years 1666, 1753, and 1910; and also the acts of the visitation made by the tribunal to the house, the birthplace of the same Servant of God, and to the altar beneath which his body rests. In the aforementioned house, there is a chamber, which from ancient times has been converted into a chapel, in whose upper interior part is found the following inscription: "B. Pelingotto came into this world in the year 1240 from a noble family of Urbino, devoted to commerce, he was born in this house, he lived in this house for about 64 years. Famous for his sanctity and miracles, he died on the Kalends of June in the year 1304. His body lies in the temple of St. Francis, under the main altar, and has been honored by an unforgettable public cult." The tribunal also visited the church of St. Francis and, from what it heard and saw, gave authentic testimony of the memorial and persevering public cult to the remains of the Servant of God, which were transferred from the altar of the noble family of Albano, and it also reported that it had observed signs of the cult and piety of the faithful, namely silver votive offerings, candles, and similar items, with the markings P. G. R. (for graces received). Therefore, having considered the aforementioned testimonies and documents, the Ordinary Judge, on July 15, 1912, presented his judgment.

[*Latin ed. p. 516*]

516 Acta Apostolicae Sedis – An Official Commentary on the public and ecclesiastical worship rendered from time immemorial, that is, before the year 1534, never interrupted, and happily continued until this day, concerning the Servant of God, John Pelingotto, or, with the exception made by the decrees of the Most Holy Pope Urban VIII. All the procedural acts were transmitted to Rome to the Congregation of Sacred Rites, and, having obtained a decree on January 16, 1918, to maintain the order of law in this cause, before the decrees of November 11, 1912, and January 31, 1913, with another decree of May 8, 1918, concerning the non-discovery of the

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writings of the Servant of God, and that there is no obstacle to proceeding further, with the esteemed and Reverend Lord Dominic Jacquet, Archbishop titular of Salamina, of the Order of the Friars Minor Conventual, and Promoter of the Cause, forgetting the vows of his entire religious family, and attentive to the supplications and prayers of the present Reverend Archbishop of Urbinatensis, together with the Chapter of the Metropolitan Church, and the other clergy, and with the distinguished Order and people of the city and archdiocese of Urbinatensis, the undersigned Cardinal Anthony Vico, Bishop of Portuen and S. Rufinae, Promoter of this Cause, in the assembly of the Congregation of Sacred Rites, convened in the Vatican buildings on the aforementioned day, proposed the following question for discussion: Whether the sentence pronounced by the Reverend Chapter Vicar of Urbinatensis concerning the worship rendered from time immemorial to the aforementioned Servant of God, or concerning the exception made by the decrees of the Most Holy Pope Urban VIII, should be confirmed in the case and for the purpose in question? And the Eminent and Reverend Fathers presiding over the Sacred Rites, after the report of the undersigned Promoter, having heard the voice and the written statement of the Reverend Father Angelo Mariani, the General Promoter of the Faith, having carefully considered all matters, they judged it necessary to respond: Affirmative, that is, the sentence should be confirmed. November 12, 1918. Having related all of the above to the Most Holy Lord, our Pope Benedict XV, through the undersigned Prefect of the Congregation of Sacred Rites, His Holiness approved and confirmed the rescript of the aforementioned Sacred Council, on the 13th day of the same month and year.

[Signed:] A. CARD. VICO, Bishop of Portuen and S. Rufinae, Prefect of the S. R. C.

[Signed:] L. S. Alexander Verde, Secretary.

[*Latin ed. p. 517*]

517 The Roman Rota. ACTA TRIBUNALIUM. The Roman Rota renders judgment. Concerning the Nullity of Marriage (JURGENS - DE HOOG). During the happy reign of Pope Benedict XV, in the fourth year of his pontificate, on January 7, 1918, the Most Reverend Fathers, William Sebastianiii, Dean, and Seraphinus Many and Raphael Ghimenti, Auditors of turno, in the cause of Buscoducen – Concerning the Nullity of Marriage, between Victor Jurgens, represented by his legitimate procurator, the lawyer Angel d'Alessandri, and Joanna De Hoog, who intervened in the cause as Defender of the Bond ex officio, pronounced the following definitive judgment on appeal. On April 1, 1910, Victor Jurgens, aged twenty-nine years, proposed marriage to Joanna De Hoog, who was in her twenty-fifth year. During the betrothal, the man showed no sign of affection for the woman, and he observed that the bride was sad, taciturn, and afflicted

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with lassitude and headache. Believing that this stemmed from family circumstances and from some neurasthenic ailment easily remedied, he persuaded the woman to undergo a month of medical treatment in the Nassovian hospital. However, her condition remained infirm, so that the man, about to be married, hesitated about entering into the marriage. Nevertheless, piety prevailed in the woman, joined with the hope that marriage would be beneficial to her. The marriage was contracted on August 30, 1910, and the spouses immediately began their marital life, which, however, was shortened due to the woman's infirmity, and reduced to fifteen days. Joanna was treated at home by Doctor Beckman; however, as the illness always worsened, she was taken to several hospitals, or sanatoriums, and finally to the asylum called Gondewater, near the town of Rosmalen, where she still languishes today, miserably afflicted with dementia. Meanwhile, the man, after consulting with eminent men in our law and in the medical sciences, petitioned the Supreme Pontiff, so that he might, with Joanna...

[*Latin ed. p. 518*]

518 Acta Apostolicae Sedis - Commentarium Officiale: In matrimonio, nullitas non potest esse declarata ex defectu consensus ex parte sponsae quae insania laborat. Post obtentam pontificia commissione, de mandato H. S. Auditorii, processus instructus est ab Ordinario Buscoducensi, et die 15 maii 1915, sententia prodiit favorabilis actori. Interposita, prout de iure, appellatione, causa iam erat iterum decidenda, quando ad aures Reverendissimi Vindicis pervenerunt quaedam querelae adversus rotalem sententiam. Hinc, pro sui muneris ratione, petiit et obtinuit processum suppletorium; quo rite confecto, nunc causa rursus dirimenda proponitur sub assueta formula dubii: An sententia rotalis diei 15 maii 1915 sit confirmanda vel infirmanda in casu?

Ius quod spectat: Neminem latet quod matrimonium Christianorum rationem habet contractus, quo iura mutuantur et accipiuntur; hinc ad validum coniugium ineundum, necessario requiritur consensus sponsorum ex plena advertentia ac libera voluntate procedens. Nulla autem advertentia est in iis, qui morbis laborant, quo functiones intellectuales impediuntur. Et nil refert, si ius positivum in novo Codice sileat de amentia, et Decretales Gregorii IX loquantur tantum de furioso a nuptiis arcendo in cap. 24, tit. 1, lib. IV. Cum enim consensus sit id, quod dat esse matrimonio, non uni furioso prohibendum est matrimonium, sed iis omnibus, quorum mens in actu contractus ita impedita est, ut eiusdem contractus iura et obligationes intelligere nequeat. Difficultas vero tota exurgere potest in singulis facti speciebus. Etenim, praeter eos, qui in omnibus et per omnia amentes sunt, adesse possunt qui plene compotes mentis non sunt, sed eorum morbus illam non attingit gravitatem, qua ratiocinandi potentia omnino privantur, et hi semi-fatui dicuntur. Accidere etiam potest aliquos non semper in agendis insaniam prodere, et ita quietam ducere

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vitam, ut non possit facile eorum infirmitas cognosci. Hoc locum habet in insania progressiva, sive appelletur dementia praecox, hebefrenia, aut paranoia. In hac postrema insaniae specie, infirmi gradatim lumine mentis destituuntur, et difficile est probare, an tempore celebrationis contractus, aut matrimonii illa fruantur advertentia, quae requiritur ad peccatum mortale formaliter constituendum."

Hinc necessitas recurrendi ad medicorum peritias. Iudicis tamen non est peritorum conclusiones admittere, quin eorum dicta cribraverit, perpendens scilicet, an facta, quibus peritiae innituntur, vera sint, iuridice probata et ab aliis non contradicta; an peritus extra propriam peritiam vagaverit; an in casu, quo plures habeantur peritiae, concordes sint, vel, ipsis discrepantibus, cui sit fides praestanda, attenta peritorum doctrina, aliisque inspectis circumstantiis.

[*Latin ed. p. 519*]

The Roman Rota, in case 519, seems to favor one side rather than the other. Thus, in the case of *Parisien*, July 10, 1909; *e. Prior*; Rome, August 8, 1911, c. *Sincero*; *Massilien*, August 11, 1913, c. *Many*, etc. Now, to the facts. Firstly, the Fathers wished to examine the manner of Joan's behavior, her disposition, the words she uttered, and the infirmities she suffered; for all these things can indicate Joan's mental state. In this matter, witnesses should be called, namely, relatives and close friends, because they were better able than others to observe everything. Furthermore, the deposition of the accused should not be disregarded, since it is clear that he is most devout, and that he was motivated solely by the truth of the facts, as reported by the Reverend Father Aloysius Koppendrayer, S.J. Thus, many witnesses, such as the mother, the brothers Hermann and John, and A. Vogel-Steinweg, who often conversed with Joan, testify that she suffered greatly from melancholy. Moreover, she was "cold," "apathetic, with a total lack of energy, indolent... troubled and unyielding;... she would sometimes become furiously angry,... irritable,... of a "moody" disposition without reason," which made her very burdensome and unpleasant to everyone. She often changed her mood suddenly and without cause: "Sometimes, at 11 in the morning," (said the brother Hermann), "the melancholy had disappeared, but at three o'clock after lunch, she was excessively cheerful." And Father Joseph Mohrm, O.P., states: "She often passed from lively cheerfulness to sudden distraction, or to recklessness, without any external cause." It should be added that Joan "showed no delight in anything," and Mrs. Vogel testifies: "She never helped with the housework." "She had no aptitude or interest in doing so," as testified by the maid Ondeyans, and confirmed by the brother John with these words: "She was in a 'constant state of indolence, of mental confusion, of doing nothing, of dreaming.'" Joan's manner of speaking clearly reveals the functions of her own intellect; for it was her habit to repeat empty words continuously and as if by

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necessity. ”She sometimes spent a long time repeating the same insignificant word,” testified the mother, the brother Hermann, Mrs. van Kekem Steinweg, and the maid Ondeyans, to whom Joan said that she ”could not do without it.” At times, she was unable to control her own words. For, said the mother, ”she did everything out loud, and she also said the most strange and impossible things out loud... When one wanted to make her work, she uttered words that were not very polite, not very appropriate.” To these things, which show Joan to be infirm, must be added her fears and ideas of persecution: ”My daughter,” said the mother, ”in the years before her marriage, she often made it clear that she was afraid of...”

[*Latin ed. p. 520*]

520 Acta Apostolicae Sedis - Commentarium Officiale ”un giorno diventerà pazza...”, si lamentava spesso di pensieri orribili”. E ai fratelli, come essi stessi attestano, chiedeva: ”Un bel giorno diventerò ”pazza”? Non sono una povera ragazza? Non ci sarà veleno nella mia ”bevanda”?”, ecc. Infine, riferendo la stessa madre e il fratello Herm, ”era talvolta stordita e stanca nella testa... si lamentava inoltre ”molto di storditezza e stanchezza di testa”. Tutte queste cose, quando il promesso sposo, dopo aver preso conoscenza di ciò, lo riferì a Ioanna, le convinsero ad affidarsi alle cure dei medici in un sanatorio situato in Nassovia, destinato alla cura dei malati nevastenici. Tuttavia, questo rimedio, come è stato detto in precedenza, non ebbe successo: infatti, il Dottor Auholt scriveva in una lettera del 23 maggio 1912 a Victor Lurgens: ”In quell’occasione (cioè, durante l’esame medico nel sanatorio di Nassovia) ”mostrò di avere una quantità di idee folli e pazze. Principalmente ”credeva di essere perseguitata e danneggiata; così, per esempio, diceva ”che suo padre la faceva osservare attraverso la Chiesa e i ”Gesuiti. Poi faceva allusione al fatto che fosse di alta nascita, che ”insomma era una creatura del tutto speciale... Ora si sentiva sempre ”osservata e sapeva che anche prima era sempre stata osservata. ”Gli uomini per la strada avrebbero parlato di lei, avrebbero riso di lei. ”Una volta, quando, da una strada abbastanza lontana e coperta di alberi, ”si sentivano ridere i bambini, diceva che questi bambini si ridevano ”di lei. Si credeva riconosciuta e osservata dalla gente che passava ”per la strada; il che era impossibile a causa della distanza della strada. ”Come già dissi sopra, aveva sempre il chiaro sentimento di essere ”malata, il che la faceva essere riservata anche verso di me, mentre ”d’altra parte spesso diceva che era pazza o che diventerebbe pazza, ”che non poteva sposarsi, che avrebbe paura del matrimonio e cose ”simili”. Nonostante queste circostanze, le nozze furono celebrate. Tuttavia, Ioanna si comportò nel viaggio nuziale, così descrive l’attore nella sua deposizione: ”Niente la interessava, né musei, né bei edifici, né ”oggetti d’arte. Si mostrava indifferente persino nell’acquisto di regali ”per sé o per altri, nonostante la piena libertà di disposizione, ”che le davo del denaro... Inoltre, continuamente si lamentava di ”stanchezza e

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storditezza in testa. Era come se sentisse la sua ”propria impotenza... La sua consueta maniera di discorrere e di agire, o ”piuttosto di non dire e di non fare affatto, mi rendeva profondamente ”sventurato. Per tutte queste ragioni abbiamo [accorciato di molto il ”viaggio”, ecc. Tornata nella casa coniugale, non fu in grado di occuparsi delle faccende domestiche, tanto che la stessa madre assunse una serva, Annam, nella località di Naila.

[*Latin ed. p. 521*]

The Roman Rota implored the Arts [presumably referring to legal or medical experts] to act in the best interests of the daughter: ”Do not let me be ashamed,” she said, ”while I am here, my daughter cannot do anything.” Furthermore, as the aforementioned servant recounts: ”She often complained of fatigue and dizziness... She said several times that some people had said that she was mad, but she herself feared becoming finally insane.” Moreover, despite all the care that Victor provided: ”She often complained that she was tired of living, and even once, in March 1911, she managed to obtain poison and attempted, or appeared to attempt, to take her own life.” Consequently, it became necessary to place her under the care of a hospital; and as her infirmity worsened, she was admitted to various sanatoriums, and at present, she is confined to the Condewsater Hospital, suffering from severe mental derangement. Furthermore, according to the authors who have written extensively on mental illnesses, all the aforementioned phenomena described above are signs and characteristics of early dementia or hebephrenia (insanity of adolescence or youth). Eugenius Tanzi describes the illness in this way: ”Early dementia is psychologically a process of mental disorganization with an irregular and progressive course, which affects individuals predisposed to it, but who, until then, were intelligent, and after a series of tumultuous episodes, leaves them in a state often incomplete, but always typical of deficiency, which withers affections, perverts the will, and renders the intellect foolish” (Forensic Psychiatry, page 401). In the work entitled ”Treatise on Medicine,” published under the direction of Charcot, Bouchard, Brissaud (volume 6, page 276), it is stated that hebephrenia is characterized by: ”A tendency towards melancholy, vague ideas of ambition or persecution, fits of anger and violence, a modification of mood, which becomes unstable and irritable, and fits of senseless laughter.” See also Kraepelin, ”Treatise on Psychiatry,” volume 2, page 48, and Rossi, ”Legal Medicine,” page 297. The testimonies of witnesses, but especially the attestations of physicians, must be carefully considered. Ten physicians treated Joanna, three before her marriage, namely Doctors Anhalt, Muthman, and van Vayenburg; seven after her marriage, namely Dr. Bekman, who cared for her at home from April to August 1st, 1911. Doctors Vilhelmy, Wassenmayer, and Thomson cared for her in the state sanatorium in Bonn, from August 1st to November 20, 1911, and then from the end of February 1912 to December 20 of the same year; Dr. van de

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Hägen examined her in the same sanatorium in Bonn during the summer of 1912; Dr. Stigter was in charge of Joanna's care in his "neurological clinic" in the town of Schveningen, from mid-December 1911 to the end of February 1912; and finally, Doctor...

[*Latin ed. p. 522*]

522 Acta Apostolicae Sedis - Commentarium Officiale. Hoogwold, director of the asylum called Gondewater, in which Joanna has been detained since December 26, 1912. Therefore, of the ten physicians, seven agree not only on the diagnosis of the illness from which Joanna suffers, namely that it is premature dementia or hebephrenia, but also declare that she was already afflicted with this same illness before her marriage. Two, when asked about Joanna's insanity before her marriage, do not dare to give an affirmative answer, but assert nothing to the contrary. These are the doctors Hoogwold and Stigter. The first, in response to the aforementioned question, says: "I cannot say anything positive to this question." The other says that he cannot give an affirmative answer, but does not wish to exclude the possibility of insanity before marriage. The only expert who expressly denies this is Dr. Wayenburg, who treated Joanna before her marriage from November 1909 to the beginning of June 1910. In the supplementary proceedings, he testified under oath: "I thought it was a psychasthenic condition, not a progressive physical illness; therefore, I thought that marriage would not be contraindicated for her." The true difference in opinion between Dr. Wayenburg and the other doctors is easily explained if it is observed that Dr. Wayenburg did not have constant care of Joanna, nor could he have. For she was received at home (and he only saw her seven times) during the usual hours assigned for consultations with patients, and therefore he could not see or hear her on those days and hours in which, afflicted by her serious illness, she was kept at home; hence, more useful information about Joanna's mental state was lacking to the doctor. Indeed, as is evident from his testimony, several serious phenomena, as mentioned above, were hidden from him, e.g., those vain fantasies about her own royal nobility, the constant persecution she believed she was facing, those anxious and frequent fears that she would be poisoned, her absolute and continuous inability to attend to domestic affairs, etc. Therefore, it is not surprising that the doctor made a different diagnosis of the illness, or gave a more benign interpretation to those few phenomena that he knew. However, even if Joanna suffered from hebephrenia before her marriage, since it is a progressive illness, it is important to determine whether, at the time the marriage was contracted, the insanity had reached a degree that excluded valid consent. In this matter, the experts must be heard. Dr. Anhalt, who, as mentioned, treated Joanna before her marriage at the Nassovian hospital, when asked by the judge: "Are you convinced that at that time she was not able to account for either her words or her actions, that is, that she was

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not capable of exercising even an act of free will?" replied: "I am convinced that at that time she was not able to fully understand her words and actions; she was not capable of..."

[*Latin ed. p. 523*]

S. Romana, Bota 523, "capable of acting with free will (performing acts of free will)." And to question 5: "Does she have the firm conviction that she was 'not able to give, with clear understanding and free will, the consent required for Christian marriage?'" She responds: "Yes." Doctor Muthman, director of the aforementioned hospital, holds the same opinion; when asked by the judges: "Do you believe that at that time she was suffering from such a mental illness that she was unable to elicit acts of free will, so that she could not give a free consent, as is required for Christian marriage?" he responds: "The free act of the will was impeded, even in the conclusion of marriage." Doctor Beckman, in his first interrogation on October 28, 1913, stated: "I considered her to be not responsible for her actions, and therefore I believe that, although perhaps conscious, she gave the required consent, nevertheless she was not able to sufficiently understand the entire extent (meaning) of her consent." It is not difficult to understand the words: "Perhaps conscious, she gave the required consent," because this is what the doctor means: that she had a certain awareness, and a certain partial consent, which was not sufficient in value for marriage; for he stated previously, "I considered her to be not responsible for her actions." This is confirmed in his second interrogation on June 13, 1916; for to question 3: "Do you still maintain the opinion that Lady Lurgens, when entering into marriage, could not sufficiently understand the full meaning of her own consent?" he responds: "Affirmative." Doctor Wilhelmy states more clearly: "I am persuaded that she, at the time of the marriage, was no longer in a state to give such consent, which must be required for the valid celebration of a Christian marriage. As a cause, I can allege both the fact that such illnesses usually develop slowly, and the trustworthy assertion of another doctor (Doctor Anchalt) who treated Lady Lurgens before the marriage." To this is added Doctor Wassenmayer, who declares: "According to the information given to me by other doctors, and from my own observations, I am convinced that Lady Lurgens, at the time of the marriage celebration, could not give a valid consent." The same is stated by Doctor van der Hagen: "I believe that the Catholic Church requires, for a valid marriage, a reasonable consent resulting from a free will and inspired by a sound mind. Based on this, I am convinced that the illness of Lady Lurgens already existed before her marriage to such an extent that she was unable, at the celebration of her marriage, to give such a reasonable consent." Finally,

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Doctor Thomson, director of the hospital located in the city of...

[*Latin ed. p. 524*]

524 Acta Apostolicae Sedis - Commentarium Officiale: De Bonnis ita scribit: "Ex scientia, 'haec dementia ante matrimonium tam progressa erat, ut gravem restrictionem liberi arbitrii causaret, quod necessario requiritur ad validam celebrationem matrimonium Christianum. Secundum meam opinionem scientificam, domina Iurgens, ad celebrationem matrimonii, multo plus ducta erat ab certis insanis imaginationibus, affectibus et impetu morbosi voluntatis, quam ab rationibus mentalibus normalibus. Si facultas liberi arbitrii ad celebrationem matrimonii omnino excluderetur, non potest, ex observatione, cum certa infallibili assereri, sed potest admitti ut probabilissimum." Verum est, hic doctor non videtur admittere, in Ioanna, die matrimonii, exclusionem liberi arbitrii, nisi ut probabilissimum; sed, ut patet ex ipsis eius verbis, haec summa probabilitas aequivalet morali certitudini, cum ea opponat certitudini infallibili, quae in his rebus nec haberi potest, nec requiritur; et cum dixisset in sua responsione ad 4, arbitrium (potestas) liberi arbitrii necessario ad consensum matrimonialem requisitum notabiliter in Ioanna fuisse restrictum. Post haec, remanent solvendae praecipuae difficultates, quas solers vinculi vindex proponit contra depositiones testium et peritias doctorum. Relatum ad testes, ait quamplurimos, matrem praesertim Ioannae, declarasse se Ioannam matrimonium semper ut mente sanam habuisse, et phenomena supra relata non nisi in indole mutabilem et tantisper insolitam referenda esse. Quod ita verum est, ut die matrimonii in ecclesia, et tempore coenae, uti placidam verbis et gestis se exhibuit. Respondetur hanc eandem difficultatem propositam fuisse peritis, qui dixerunt hoc esse solitum in huiusmodi morbis, in quibus aegroti possunt et solent propriam infelicem conditionem legere. Ita doct. Beckman: "Praesertim apud maiorem partem laicorum, exsistit 'propensio ad considerare phenomena anormalia, ut defectus characteris, vel ut consequentiam circumstantiarum particularum; ita enim saepe, si non regulariter, videmus, ut morbus iam diu ante fuerat, antequam ut morbus cognitus esset." Pariter doct. van der Hagen: "Explico (hanc difficultatem) 'hoc modo, quod domina erat vere aliena, et non valde faciebat impressionem esse afflicta hysteria, et quod, si non considerabatur dementem, est phenomenon occorrens valde commune in his similibus morbis, quia laici, pro solito, iudicant 'secundum comportamento et actiones, inquantum sunt periculosa.'"

[*Latin ed. p. 525*]

525 The Roman Tribunal, exhibiting patience, or perhaps enduring troublesome and dangerous situations for others, and this was "the case." Thus also, Doctor Anhalt, and Doctor Thomson, who, especially concerning the mother's testimony, state: "The observations of the mother, that the daugh-

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ter, before the marriage, had not been insane, but that, 'solely due to a malicious character, she sought to procure, for herself and for others, sorrows,' are of no importance, because the mother herself is a decidedly pathological personality of mind, and participates in the insanity of the demented daughter, and because the asserted worsening of character, in the sense of a malicious demeanor towards those who surround her, belongs to the characteristic symptoms of that form of mental disturbance, of which the Lady Lurgens is suffering, in the manner already indicated." It is also remarkable, according to experts, that Joanna, on the day of the marriage, in performing the religious rite, and in the nuptial feast, exhibited herself as of sound mind, in words and gestures. For Doctor Wilhelmus states: "It is entirely in accordance with the daily professional experience of doctors of the insane, that precisely such patients, as the Lady Lurgens, know how to conceal from those who surround them, their insane fantasies, and inclinations of sentiment, of will, which influence their actions in a decisive manner." And Doctor Anhalt states: "Her illness (of Joanna) developed gradually. In such cases, the patient, particularly the well-educated, usually preserves for a long time a correct demeanor. She had a vivid sense of her illness, which caused her to conceal her morbid ideas as much as possible." Against the expert opinions, it is certainly not established that Joanna suffered from a mental illness; for the experts speak only of paranoia, or of premature dementia, or hebephrenia. But, since almost all the experts teach us about the gravity of the illness, and indeed, at the time when the marriage was celebrated, the name by which the illness is called is of little importance. 2. If, today, according to the testimony of Doctor Hoogveld, Joanna is affected by paranoia, which seems also to be admitted by Doctor Anhalt in his interrogation, whereas, on the contrary, in a certain letter he had written that Joanna "was dominated by fanatical delusions of an ebefrenic nature," it should be noted that, according to Doctor Borri, "paranoia and hebephrenia do not have a clinical individuality, but are differences of a superficial form, often concurrent with a single and substantial psychopathological modality, consisting in the instability of equilibrium, or even in the imbalance, or even in the functional imbalance of a constitutionally imperfect brain" (Elementary Notions of Legal Medicine, page 297).

[*Latin ed. p. 526*]

Acts of the Apostolic See - Official Commentary 526. After duly considering all these matters, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, invoking the Name of Christ, declare and pronounce that the sentence of May 15th is to be confirmed; that is to say, to the proposed question, we answer: To the first, affirmatively; to the second, negatively. We command the Ordinaries of the places and the ministers of the tribunals to which this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred

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canons, and especially chapter 3, session 25, concerning the reform of the Council of Trident (Trento), employing those executive and coercive means which they shall judge to be more effective and appropriate, according to the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on January 7, 1918. William Sebastiani, Dean, Presiding. Seraphinus Many. Raphael Chimenti. L. S. From the Chancery of the Holy Roman Rota, Sacred. T. Tani, Notary.

[*Latin ed. p. 527*]

Diarium Romanae Curiae.

SACRED CONGREGATION OF RITES.

Tuesday, 29th of October, 1918, in the Apostolic Palace at the Vatican, with the participation of the Most Reverend and Right Reverend Lords Cardinals, and with the votes of the Reverend Prelates and the theological Consultors, who comprise the Sacred Congregation of Rites, a Preparatory Congregation was held to discuss the matter concerning the martyrdom, the cause of the martyrdom, and the signs thereof, or miracles, for the Cause of Beatification, that is to say, the declaration of martyrdom, of the Handmaids of God Mary Magdalene Fontaine, with three companions, Daughters of Charity, and of Mary Clotilde Angela of Saint Francis Borgia, with ten companions, Daughters of Our Lady of Valenciennes.

Tuesday, 12th of November, 1918, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which, for the judgment of the Most Reverend and Right Reverend Lords Cardinals who comprise the same, the following matters were presented:

1) The introduction of the Cause of Beatification, that is to say, the declaration of martyrdom, of the Servants of God Simeon Berneux, Bishop of Capsa and Apostolic Vicar of Korea, and of Paul Chau, and their respective companions, who were killed, as is asserted, out of hatred for the Faith, in Korea and in Concincina;

2) The confirmation of the worship which has been offered for a long time to the Servant of God John Pelingotto, a Franciscan Tertiary, known as Saint or Blessed;

3) Concerning the revision of the writings of the Servant of God Ugolino da Gualdo Cattaneo, of the Roman Order of Saint Augustine;

4) And of the writings of the Servant of God Angelo De Scarpetti, of the Roman Order of Saint Augustine;

5) And of the writings of the Handmaid of God Filomena Genovese, a Franciscan Tertiary.

Tuesday, 26th of November, 1918, in the Apostolic Palace at the Vatican, with the participation of the Most Reverend and Right Reverend Lords Car-

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dinals, and with the votes of the theological Consultors, a New Preparatory Congregation of the Rites was held to discuss the matter concerning the martyrdom, the cause of the martyrdom, and the signs or miracles of the Venerable Jerome, called of the Rocca delle ventiquattr'ore, who was killed, as is asserted, out of hatred for the Faith, in Giulia Cesarea or Algiers.

[*Latin ed. p. 528*]

Acts of the Apostolic See - Official Commentary 528

SECRETARY OF STATE

By means of documents from the Secretary of State, the Holy Father has deigned to appoint:

October 31, 1918.

His Eminence, Cardinal Andrea Feichtwirth, Protector of the Institute of the Dominican Tertiary Sisters of the Congregation of Santa Caterina of Springfield.

November 4:

His Eminence, Cardinal Lodovico Billot, Protector of the Institute of the Sisters "Guardians Adorers of the Eucharist."

November 7:

His Eminence, Cardinal Raffaele Scapinelli, Member of the Sacred Consistorial Congregation.

November 7:

His Eminence, Cardinal Donato Sbarretti, Member of the Supreme Sacred Tribunal of the Apostolic Signature.

November 12:

His Eminence, Cardinal Oreste Giorgi, Protector of the Sisters of the Cross, of Seville.

November 13:

His Eminence, Cardinal Michele Lega, Protector of the Venerable Archiconfraternity of Saint Mary of Good Counsel.

November 21:

The Reverend Father Giuseppe Drehmanns, of the Congregation of the Most Holy Redeemer, Consultant of the Cardinal Commission for the "Praeservationis Eidei" Work.

December 1:

Monsignor Raimondo de la Porte, titular Bishop of Berisa, Consultant of the Holy Congregation of Sacraments.

By Apostolic Briefs, the Holy Father has deigned to appoint:

Apostolic Protonotaries of the participating rank:

November 30, 1918.

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Monsignor Domenico Iorio.

Apostolic Protonotaries *in specie* (in their own right):

October 21, 1918.

Monsignor Nicola Savinetti, Grand Prior of Saint Nicholas of Bari.

November 12:

Monsignor Nicola Farina, of the archdiocese of Gaeta.

November 29:

Monsignor Giovanni M. Emilio Sahut, of the diocese of Montpellier.

Domestic Prelates of His Holiness:

October 23, 1918.

Monsignor Giuseppe Barbero, of the archdiocese of Turin.

October 26:

Monsignor Stefano Mata Pascual, of the diocese of Osma.

November 25:

Monsignor Camillo Fornari, of the diocese of Rieti.

November 25:

Monsignor Luigi Camboni, of the diocese of Ozieri.

November 25:

Monsignor Tommaso Miley, of the archdiocese of Edinburgh.

[*Latin ed. p. 529*]

From the Roman Curia Diary, 529: HONORS. With Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class:

November 1, 1918. To Mr. Massimo Gérard, General Consul of Belgium in the Canary Islands.

November 6. To Mr. Giovanni Zaccone, of the diocese of Saluzzo.

November 8. To Mr. Luigi Giordano, of the archdiocese of Turin.

November 20. To Mr. Rodolfo Sella, of the archdiocese of Turin.

November 28. To Mr. Baron Luigi Rodino, of the archdiocese of Naples.

November. To Lord Skerrington Campbell William, of the archdiocese of Edinburgh.

The Knighthood of the Order of Saint Gregory the Great, civil class:

October 25, 1918. To Mr. Francesco Natucci, of the diocese of Pescia.

November 6. To Mr. Luigi Serse Grilli, of Rome.

November 28. To Mr. Giovanni Patrizio Boland, residing in London.

The Grand Cross of the Order of Saint Sylvester the Pope:

November 13, 1918. To Mr. Giuseppe Feliciano da Costa, formerly Plenipotentiary Minister and Extraordinary Envoy of Portugal to the Holy See.

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THE PAPAL HOUSEHOLD.

With letters from His Eminence, the Reverend Monsignor, the Papal Chamberlain, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

October 25, 1918. Monsignor Augusto Strenghetto, of the diocese of Atri.

October 25. Monsignor Francesco Gardini, of the archdiocese of Bologna.

October 25. Monsignor Antonio Piccinelli, of the diocese of Como.

October 25. Monsignor Pietro Ciriaci.

October 26. Monsignor Tommaso Migliore, of the archdiocese of Turin.

November 4. Monsignor Paolo Novaro, of the diocese of Albenga.

November 7. Monsignor Antonio Lira Pessôa de Maria, of the diocese of Sobral.

November 9. Monsignor Giovanni Battista Cavallotti, of the diocese of Saluzzo.

November 20. Monsignor Francesco Mennini, of the archdiocese of Florence.

November 22. Monsignor Giovanni Brianda, of the diocese of Ozieri.

[*Latin ed. p. 530*]

Acta Apostolicae Sedis - Official Commentary 530 Secret Chamberlains of Sword and Mantle of His Holiness: November 18, 1918. Mr. Adolfo Zaleski, of the diocese of Luceoria and Zytomir, 27. Mr. Count Giuliano Gambaro, of the archdiocese of Genoa. Mr. Count Agostino Ravano, of the same archdiocese. Honorary Chamberlains in purple attire of His Holiness: October 25, 1918. Monsignor Cesare Ferreira dos Santos. October 26. Monsignor Giovanni di Francesco Filippucci. October 29. Monsignor Pietro Pirri. November 11. Monsignor Ermanno Winter, of the archdiocese of KolÃn. November 13. Monsignor Luigi Mazzarelli, of the diocese of Mondo vi. November 20. Monsignor Santiago Garrote Amigo, of the diocese of Avana. November 26. Monsignor Giuseppe Menghi, of the diocese of Tivoli. Honorary Chaplain *extra urbem* of His Holiness: June 1, 1918. Monsignor Giuseppe Augusto Ferreira, of the archdiocese of Braga. Honorary Chamberlain of Sword and Mantle *supernumerarius* of His Holiness: November 6, 1918. Mr. Commissioner Piero Umberto Giaj-Levra, of the archdiocese of Turin. NECROLOGY: October 9, 1918. Monsignor Carlo Arsenio Bourdon, titular bishop of Dardano. Monsignor Pietro Broyer, titular bishop of Polemonio. December. Monsignor Giovanni Giuseppe Koppes, bishop of Luxembourg. Certain corrections in Vol. X (1918) Commentaries of the Acta Apostolicae Sedis: Page 25, line 26. Page 26, lines 26, 132, 179, line 22, lines 3, 16, 27-28, lines 13-14-15, lines 3, 7, 28, 238, 238, 382. *legatur*: day, day, no. 1247, of Saint Columba, Abbot. Finally, those who, according to the mind of the Pontiff, attend the Holy

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Mass on the day of each month, are fully, etc., assigned to the religious, even those of the first and second classes, etc.

[*Latin ed. p. 531*]

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- Concerning the granting of the privilege of the sacred pallium to the

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cathedral church of Carnutensis.

After sixty years.

- Concerning the granting of the privilege of the sacred pallium to the cathedral churches of Tarbes and Lourdes.

- With greater insistence.

- Concerning the restoration of the Diocese of Leiria to the Roman Pontiffs.

- Concerning the erection of the cathedral church of Aterradensis, since the city...

- Concerning the erection of the co-cathedral of Recife in Brazil.

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May.

July.

For the fourth year now.

- Concerning the celebration of Mass for the needs of society on June 29th.

Three years ago.

- The Association of the Most Holy Cross has ratified new constitutions for the church of Saint Marcellus.

V. - APOSTOLIC LETTERS.

1917.

Nov.

Dec.

Concerning the sacred and illustrious...

- The parish church of the Blessed Virgin Mary of Mercy in the city of Bonaerensi is raised to the title and privilege of a minor basilica.

- The Apostolic Vicariate of "Beni" is erected.

[*Latin ed. p. 534*]

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YEAR MONTH DAY

1917 December 14, 18

1918 January 15, 28

February 3,

March 1, 13

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April

May 10, 13

June 8

PAGE

For the benefit of the faithful.

- The Sodality of the Daughters of Mary, under the title of the Presentation, located at Saint Ambrose in the city of Cuneo, is erected into an archsodality and endowed with indulgences.

- The church commonly called "del Carmine Maggiore" in the city of Naples is erected into a minor basilica in the Senario Mount.

- The church of the Senario Mount, of the Order of the Servants of the Blessed Virgin Mary, is increased in title and privileges as a minor basilica.

For a beloved son.

- The Association of Saint Gerard Maiella, canonically erected in the church of the Mother of God in the town commonly called "Caposele," is erected into an archsodality.

By Apostolic Letters.

- New laws are given to the chapter and clergy of Saint Blaise and Saint Giles in the town of "Palombara Sabina."

We have learned with certainty.

- Other indulgences are confirmed for the sodalities of the Passion of the Lord, and others are granted.

For the benefit of the faithful.

- The Sodality of Saint Lawrence, the deacon and martyr, established in the metropolitan church of Edinburgh, is erected into an archsodality.

As it is known.

- The archsodality of Saint Lawrence, the deacon and martyr, established in the metropolitan church of Edinburgh, is increased in indulgences.

Concerning the Catholic.

- The Apostolic Prefecture of Borne in the Netherlands is erected into an Apostolic Vicariate.

Among the sodalities.

- To the Sodality of Our Lady of Good Death, plenary and partial indulgences are granted to those who recite certain prayers for the attainment of a holy death on certain feast days and to all the Christian faithful.

- The church of the Most Sacred Heart of Jesus in the city of Rouen is honored with the title and privileges of a minor basilica.

With benevolent approval.

- To the Sisters of the Holy Family in Bordeaux, a plenary indulgence is granted for a certain pious practice in honor of the Holy Family.

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It is known.

- Indulgences and privileges are granted to the pious work commonly called "de Montligeon" in the diocese of Sées.

With gratitude.

- Indulgences and privileges are granted to the daily Mass Federation established in the Archdiocese of Birmingham, already granted to the same work elsewhere.

As it is known.

- The international federation "Pro Pontifice et Ecclesia" of Cambrai is increased in indulgences.

[*Latin ed. p. 535*]

In chronological order:

JUNE 10: The Celestial Church. – The pious association "Perpetual Cult towards the Sorrowful Virgin" is instituted in the basilica of Monte Berico and is endowed with indulgences. We have taken care of this.

JULY 17: The indulgences and privileges already granted to the archconfraternity commonly known as "of Montligeon" are confirmed, and other new ones are granted. We assent benignly.

AUGUST 31: It is reported that indulgences of 300 days are granted to the Brothers who recite certain prayers in the Christian Schools.

SEPTEMBER 19: Certain regulations are established concerning the Third Order of Servants of the Most Blessed Virgin in Spain and the regions formerly subject to it.

OCTOBER: Indulgences are granted to those who recite a certain prayer in honor of the Most Sacred Heart of Jesus. From a beloved son.

NOVEMBER: The confraternity erected in honor of Saint Charles in the curial chapel of Turin, by Saint Peregrine Laziosi, is endowed with indulgences. It is clearly established.

DECEMBER: The restoration to its own jurisdiction of the abbatial monastery of Ottenburana, of the Order of Saint Benedict, is confirmed. It is certainly the case.

DECEMBER: The restoration to the abbatial monastery of the monastery of Ciricius, in the diocese of Tarnów, is confirmed benignly.

DECEMBER: Perpetual plenary indulgences are granted everywhere on earth to the members of the Sodality of the Infant Jesus under the title of Prague.

DECEMBER: In the illustrious city.

DECEMBER: The church of the Blessed Virgin Mary, assumed into Heaven, in the city of "Ravello," in the archdiocese of Amalfi, is erected into a minor basilica with annexed titles and privileges.

DECEMBER: Perpetual plenary and partial indulgences are granted to

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the faithful who come to the temple of the Virgin of Graces in Monte Arana.

DECEMBER: The metropolitan primary temple of Carthaginense is embellished with the title and privileges of a minor basilica in its amplitude.

DECEMBER: The church of Saint John of the Florentines in the City is decorated with the title of basilica. Always with joy.

DECEMBER: The Apostolic Prefecture "of Betafo" is erected into an Apostolic Vicariate. We are deeply affected.

DECEMBER: The Apostolic Prefecture of Western Nigeria is erected into an Apostolic Vicariate.

DECEMBER: Notable temples.

DECEMBER: The temple of the Blessed Virgin Mary of Mercy in the city of Barcelona is decorated with the title and privileges of a minor basilica.

[*Latin ed. p. 536*]

Index of Documents 536, YEAR MONTH 1918, October, DAY, Presented by the Brothers. - At the close of the seventh century, from which Saint Francis of Assisi entered Palestine, the merits of the Brothers Minor in guarding the Holy Places are praised, and the rights, privileges, and indulgences granted to them by the Apostolic See are confirmed. V. - 1917, December 3, 20, 27; 1918, January 16, 18, 27, 31; February 2. LETTERS. Numerous. - To John, Holy Roman Emperor, Cardinal Gsernoch, Archbishop of Gran, and other Bishops of Hungary, who had sent common letters to them from the Budapest assembly: "We give you thanks." - To the Most Reverend and Most Reverend Archbishops and Bishops of the Kingdom of Bavaria; in response to their common letters from the Frisingen assembly. . . In council. - To Andrew Cardinal Ferrari, Archbishop of Milan, concerning the transfer of the Great Chancellor to the canonical jurisdiction of the Pontifical Lyceum, and to the President and professors of the same Lyceum, expressing gratitude for their most courteous common letters on the occasion of the three hundredth anniversary. - To the Most Reverend Angela, of Our Lady, the General Superior of the Roman Union of the Ursuline Virgins, on the occasion of the three hundredth anniversary from the founding of that religious family. . . . Annual act of piety. - To George, Holy Roman Emperor, Priest, Cardinal Gusmini, the Archchancellor, and the deans of the Theological College of Bologna: to whom he responds regarding their courteous letters on the occasion of the anniversary. - To Alphonsus, Holy Roman Emperor, Cardinal Mistrangelo, Archbishop of Florence, who has completed twenty-five years in the episcopate; with letters in which. - To Gotfried of Grandmaison, President of the Bibliographical Society, on the occasion of the fiftieth anniversary of the founding of that society. . . We cannot do otherwise. - To the Most Reverend Joseph Mora y del Rio, Archbishop of Mexico, to whom he offers congratulations and praise for having completed twenty-five years in the episcopate. . . . . With a

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grateful heart. - To John Mary, Cardinal Farley, Archbishop of New York, expressing gratitude for the good omens and the Petrine foundation. . . . In concert. - To the Bishops of the Austrian jurisdiction, who had sent a common letter from the Vienna assembly, full of observance and duty. . . . The kindness of God. - To the Reverend John Dunn, whose diligence in managing the "Work of the Propagation of the Faith" throughout the Diocese of New York is praised.

[*Latin ed. p. 537*]

In chronological order:

YEAR MONTH 1917 February 1918 March April

DAY 21 29 May 10 12

Acts, vol. X, no. 12, p. 537. Very pleasing.

To the Greek-Ruthenian Bishops, who had expressed their gratitude for the newly established Congregation for the Eastern Church and the Institute of Oriental Studies. We gladly acknowledge.

To His Eminence, Cardinal Henry Almaraz y Santos, Archbishop of Seville, upon completing twenty-five years of his episcopate. We offer congratulations.

To Father Leonard Vossen, S.J., director of the pontifical seminary of Kandy, upon the completion of twenty-five years since the founding of the seminary. Very delightful.

To Father Patrick Murray, General Superior of the Congregation of the Most Holy Redeemer, concerning the Sodality of the Holy Family established fifty years ago in the church of Saint Alphonsus in Limerick. We express our appreciation.

To Father Alexander Kakowski, Archbishop of Warsaw, and other Bishops of the same ecclesiastical province. We acknowledge their sentiments.

To Right Reverend Father Willibrord Benzler, Bishop of Metz, expressing our gratitude for his most kind letters in these times.

To His Eminence, Cardinal Anthony Mendes Bello, Patriarch of Lisbon, and other Bishops of Lusitania, praising their pastoral diligence.

To Father Lawrence Janssens, a Benedictine Abbot, who recently offered his newly published volume, "De hominis natura," to the Supreme Pontiff as a sign of obedience. We offer our congratulations.

To Father Richard H. Tierney, S.J., editor of the weekly publication "America," marking the tenth year since its inception. Very good indeed.

To His Eminence, Cardinal Joseph Francica Nava, Archbishop of Catania, who had convened a diocesan synod of the Salesian Institute.

To Father Paul Albera, General Director of the Salesian Congregation, on the occasion of the fiftieth anniversary of the dedication of the church of Mary, Help of Christians, in Turin, and of his own ordination to the

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priesthood. We express our warmest congratulations.

To His Eminence, Cardinal Andrea Ferrari, Archbishop of Milan, and other Bishops of the Lombard region, expressing our gratitude for their most kind and common letter.

To Right Reverend Father Francis Joseph Bonnefoy, Archbishop of Aix, congratulating him on the completion of sixty years of priesthood and twenty-five years of his episcopate.

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YEAR 1918

MONTH OF MAY

DAY 30

June 10, 15, 18, 19, 25, 27, 30

To the Esteemed [Individuals],

- To Alexius, S.R.E. Cardinal Ascalesi, Archbishop of Benevento, and other Bishops of the same ecclesiastical Province, who had jointly sent a letter...

We, in turn,

- To the Doctors of the Pontifical Athenaeum of Benevento, who had expressed their gratitude and obedience upon the promulgation of the Code of Canon Law.

While so much...

- To Father Innocent Lopez, General Vicar of the Order of Mercedarians, concerning the approaching seven-hundredth anniversary of the founding of the Order...

By Apostolic Letters.

- To Louis Nazarius, S.R.E. Cardinal Bégin, Archbishop of Quebec, and other Archbishops and Bishops of the Canadian region: reiterating the importance of mutual concord among the faithful, and providing guidelines regarding the scholastic law enacted by the government of the Province of Ontario...

Your singular [contribution].

- To the Most Reverend Lords, Cardinals John Bede, Archbishop of Perugia, and Peter Pacifici, Archbishop of Spoleto, and other Bishops of the region of Umbria, in response to their most devoted letters sent from Assisi...

It is pleasing to us.

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- To the Most Reverend Lords, Cardinals Natal Bruni, Archbishop of Modena, and other Bishops of Emilia, in reply to those matters which they had presented from the assembly in Modena for the sake of duty.

While shedding tears of joy.

- To Father Caesar Pedrini, and the congregation of the Servants of Charity, the moderator of the sodality "of the Transitus of Saint Joseph": commending the sodality, to which the Blessed Pope is most devoted, and granting spiritual privileges to the priests who are members and who will celebrate Mass for the dying.

Latin Version.

Next Month.

- To Reverend Norbert Schachinger, General Abbot of the Order of Prémontré, and also Abbot of Schlagl, for whom the Abbey of Schlagl was founded in the seventh century.

It delights us.

- To Reverend Willibald Hauthaler, O.S.B., Abbot of Saint Peter of Salzburg; to whom we offer congratulations upon the completion of fifty years of priesthood.

Both to us.

- To Reverend James Ogier, of the sodality for the Pope and the Church, which is adorned with praise and commended.

The twenty-fifth [anniversary].

- To Reverend Henry Joulain, Bishop of Jaffna, whom we follow with congratulations on the occasion of the twenty-fifth anniversary of his episcopal consecration.

With flowers.

- To Reverend Adolf Fritzen, Bishop of Strasbourg, we send felicitations upon the completion of his eightieth year.

PAGES 276, 277, 280, 317, 319, 320, 321, 323

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In chronological order:

YEAR MONTH DAY

1918 July 10 19 31 August 21 September 11 17 20 October. Letters received.

- Responds to the Most Reverend Father Michael Felice Eorum, Bishop of Treves, thanking him for the excellent testimony and pledge of piety he had given.

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- Regarding pastoral solicitude.

- Responds to the Most Reverend Father Michael O'Doherty, Archbishop of Manila, and other Bishops of the Philippine Islands, who had sent a common letter regarding the acts of the Manila convocation.

- Pleasing to us.

- Responds to King Rajah Rama Vurmah, congratulating him on the occasion of his sixtieth birthday.

- Anniversary day.

- Responds to the Most Reverend Father Natale Gabriele Moriondo, Bishop of Cuneo, celebrating his fifth and twentieth anniversaries since the beginning of his priesthood.

- Because of this.

- Responds to the Most Reverend Father James Gostamagna, Bishop in title of Cologne, Apostolic Vicar of Méndez and Gualaquiza, whom he follows with congratulations and prayers on the occasion of his fiftieth anniversary of priesthood.

- Various matters.

- Responds to the Most Reverend Father Victor Arrien, Archbishop of La Plata, and other Bishops of Bolivia, regarding their common letter.

- Pleasing to us.

- Responds to Catherine Schynse, General President of the "Catholic Women's Association for Supporting Missions," on the occasion of her twenty-fifth birthday, from which date she had founded this pious work.

- Various matters.

- Responds to the Most Reverend Father John Joseph Koppes, Bishop of Luxembourg, whom he follows with congratulations and prayers on the occasion of completing fifty years since he received the priesthood.

- It is necessary.

- Responds to James S.R.E. Cardinal Gibbons, Archbishop of Baltimore, to whom he offers congratulations in anticipation of his approaching fiftieth anniversary as a bishop.

- From the heart.

- Responds to the Most Reverend Father Henry Reig y Casanova, Bishop of Barcelona, to whom he commends his person in the upcoming Marian congress.

- Although in obedience.

- Responds to Victor S.R.E. Cardinal Guisasola y Menendez, Archbishop of Toledo, in anticipation of the celebration of his fifth and twentieth anniversaries as a bishop.

- These will be in the coming days.

- Responds to Peter S.R.E. Cardinal La Fontaine, Patriarch of Venice, to

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whom he responds regarding official letters received from him concerning the cessation of spiritual exercises.

- Diocesan Synod.

- Responds to the Most Reverend Father Fidel Olivas Escudero, Bishop of Ayacucho, who was about to convene a diocesan synod.

- With regard to Christians.

- Responds to the Most Reverend Father Dominic Mary Ta vani, of the Order of Friars Minor Conventual, 539.

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540 YEAR 1918 Index of documents MONTH October DAY 13, 16 November 18 PAGE vicarious general, concerning the body of St. Francis discovered one hundred years ago in the crypt of the Basilica of Assisi For your information. - To the Most Reverend Father James Stamler, Bishop of Basel and Lugano, and to the other Bishops of Switzerland, who sent common letters for the purpose of demonstrating piety towards the Apostolic See. Your spirit. - To Louis Nazarius, S.R.E. Cardinal Bégin, Archbishop of Quebec, concerning what the Supreme Pontiff has done in this war, mindful of his Apostolic office. After the latest. - To Peter, S.R.E. Cardinal Gasparri, from the Secretariat of State, after the agreements made between Italy and Austria. Which recently. - To Louis Theissling, O.P., Master General, concerning the "Summa contra Gentiles" published by a college of Dominican brethren, who are responsible for the Leonian edition of the works of St. Thomas Aquinas. 448 478 479 V. - SERMON. February 11. In recent years. - Instructions to the parish priests and to those who preach during Lent in the City. . . . . II. - MINUTES OF THE SACRED CONGREGATIONS I. - SUPREME SACRED CONGREGATION OF THE HOLY OFFICE. Decree concerning the regulations and the anti-modernist oath. Decree concerning certain propositions concerning the science of the soul of Christ. March. June 136 II. - SACRED CONSISTORY CONGREGATION. 1917 1918 December. April 10. Declaration concerning the decree on choirs. 17 MARIANOPOLITANA and St. Hyacinth. Decree concerning the dismemberment and aggregation. June 12. July 1. Decree concerning certain faculties of the Ordinaries. DROMORENSIS. Decree concerning the erection or restoration of the cathedral chapter. Decree concerning the attendance of clerics in secular universities. Decree concerning the spiritual care of those serving in the armed forces of France. Decree by which certain privileges are granted to the canons of the cathedral of Biella. Concerning the faculty of applying Masses in favor of Seminaries. 112 190 237 238

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541. Chronologically arranged. PAGE. YEAR. MONTH. DAY. 1918. August. 2. Decree concerning the extension of certain faculties of the

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Diocese of Dijon. - Establishment of the dignity of the Deanery of the same. - Doubt concerning the laws and decrees of Provincial Councils. - 8. Decree concerning the prolongation of the diocesan relationship for the Bishop. September. 3. Decree concerning the restitution of the Metropolitan Chapter of Monts. - Decree of a common Ordinary for refugees in Italy. Langres. - Decree concerning the erection of the dignity of the Deanery. Decree concerning clerics returning from military service. - Concerning diocesan relationships. - New formula. 363. 364. 365. 366. III. - HOLY CONGREGATION OF THE COUNCIL. 1918. 1917. January. November. February. March. 28. 12. 11. 19. 23. 1918. 1917. June. 2. 1917. July. 16. PADERBORN. Concerning alms for Masses. DIOCESE X IN SPAIN. Deliberations of the Chapter. MELEVITANA. Concerning offerings. LISBON. Concerning exemptions and funerals. N. - Manual of Masses. QUEBEC. Concerning choral duties or prebends. DIOCESE. 18. 368. 285. 61. 239. 138. 326. 504. 194. IV. - HOLY CONGREGATION FOR RELIGIOUS. March. June. 20. 26. 145. Concerning the rules and constitutions of religious orders, to be reformed according to canon 489 of the Code of Canon Law. V. - HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH. November. 15. Notification concerning missions in the Delegations of Constantinople, Egypt, Mesopotamia, Persia, and Syria. 508. VI. - HOLY CONGREGATION FOR THE RITUAL. 1917. March. December. 23. 12. January. 6. 15. 18. 25. Decree concerning the City and the World. Concerning the elevation of the rite to the Double of the First Class, on March 19, of Saint Joseph, Spouse of the Blessed Virgin, and on September 29, of Saint Michael the Archangel. AUGUSTODUNEN. Decree concerning the canonization of Blessed Margaret Mary Alacoque, virgin. ULYSSIPONEN. Decree concerning the confirmation of the cult exhibited to the Servant of God, Nuno Alvares Pereira, a lay professed member of the Order. Doubts concerning simple Octaves. 26. 66. 102. 69.

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542 Index of Documents YEAR MONTH 1918 January. DAY 30 February. March 16 17 April. May FLORENTINA. Decree for the introduction of the cause of the Servant of God Anne Mary Lapini, foundress of the Institute of Poor Children of the Sacred Stigmata, ROMANA. To the Church of the Most Sacred Heart of Jesus in the City, the privilege is granted of celebrating Masses for the repose of souls on each day of the year, LAUDEN. Concerning the collection for a grave matter. . . . AUGUSTODUNEN. Decree of canonization of the Blessed Margaret Mary Alacoque, virgin. . . . . ARMACANA. Decree of beatification or declaration of martyrdom of the Venerable Servant of God Oliver Plunket, Primate of Ireland and Archbishop of Armagh, SENEN. Doubts. . . . Decree for the introduction of the cause of the Servant of God William Joseph Chaminade, priest, founder of the Society of Mary, ARMACANA. Decree of beatification or declara-

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tion of martyrdom of the Venerable Servant of God Oliver Plunket, Primate of Ireland and Bishop of Armagh, PINNEN. Decree of canonization of Blessed Gabriel of the Sorrowful Virgin, of the Congregation of Clerics Regular of the Holy Cross and Passion of Our Lord Jesus Christ, ... HERBIPOLEN. Concerning the votive Mass or commemoration for betrothed couples, PORT-LOUIS or EBROICEN. Decree for the introduction of the cause of the Servant of God Flacon Desiderati Laval, priest, missionary of the Congregation of the Holy Spirit, SANCTI LUDOVICI. Decree for the introduction of the cause of the Servant of God Felix De Andreis, priest and first superior of the Congregation of the Mission in America, COREANA and COCINCINEN. Decree for the introduction of the cause of the Saints Simeon Berneux, Bishop of Capsus, Apostolic Vicar of Korea, Paul Chau, and their companions, URBINATEN. Decree confirming the already exhibited cult to the Servant of God John Pelingotto, of the Third Order of St. Francis, BURDIGALEN, or VICTORIEN. 12 June. 14 July. 25 November. 12 VII. - HOLY CONGREGATION FOR SEMINARIES AND FOR UNIVERSITIES, 1917 December. Constitutions of the Venerable English College of the City. Constitutions of the College of Bedani of the City VIII. - HOLY CONGREGATION FOR THE EASTERN CHURCH. 1918 July 10. November 15. Decree concerning the parish of the Abbey of Cryptoferrata. Decree concerning the establishment of a seminary for Italo-Greek boys in the monastery of Cryptoferrata. Notification concerning Missions in the Delegations of Constantinople, Egypt, Mesopotamia, Persia, and Syria.

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I. ACTS OF THE TRIBUNALS.

I. THE SACRED APOSTOLIC PENITENTIARY.

1917

August 3: Certain acts of adoration towards Our Lord Jesus Christ.

November 16: Granted an indulgence of *c* days to priests reciting a certain prayer after Mass. Decree.

December 14: Doubts are resolved concerning the pious practice of the "Via Crucis" (Way of the Cross) and the indulgences attached to it, duly granted.

January 18: Doubts. Questions concerning the indulgences attached to the pious practice of consecrating a family to the Most Sacred Heart of Jesus (commonly known as the "Devotion to the Sacred Heart").

February 1: Granted an indulgence of *c*cc days to those reciting a certain ejaculatory prayer to the Most Sacred Heart of Jesus. Decree.

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March 1: Granted the faculty of celebrating Mass according to the mind of the Supreme Pontiff on June 29th of this year, for priests who have begun the "Gregorian Triduum" or are obligated to apply a Mass.

August 3: Granted an indulgence of *c*cc days to those reciting an ejaculatory prayer in Christ crucified.

Certain acts of piety through the guardian angel towards Jesus in the Eucharist, granting an indulgence of *c*cc days.

The already granted indulgence is amplified.

1917: Indulgences are granted to those reciting pious prayers in honor of Saint Paschal Baylon.

II. THE SACRED ROMAN ROTA.

1916 1917

November January March April May June July August

15 3 9 2 7 5 6 27 7 10 16

S. JAMES OF CILICIA.

Juris funerandi (Right of burial) AMBIANEN.

Nullities of marriage (Watripon-Detunq) TARVISINA.

Nullities of marriage (Marchese-Granzotto).

LUGDUNEN.

Nullities of marriage (Guenard-Lavelle).

PORTUEN AND SANTA RUFINA.

Nullities of marriage.

LUGDUNEN.

Nullities of marriage (Cortay-Perroudon).

VICARIATE APOSTOLIC OF NORTH MANCHURIA.

Nullities of marriage (Ouang-i-chan and Iang-K'eou-tze).

PADERBORN.

Nullities of marriage (de Laftert-Bartels).

NOVARIEN.

Restitution in integrum (Restoration to the original state).

256 377 108 70 32 158 267 213 336 453

GALLIPOLITANA.

Nullities of marriage (De Donatis-Sor).

December 21: MONTEREYEN.

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ANGELORUM.

Nullities of marriage (Pirri).

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544 IN THE YEAR » An index of documents arranged in chronological order.

MONTH DAY January February 20 BOSCODUCEN. Concerning the nullity of a marriage (Jurgens-Hoog). The cause was heard under seal. LIB ORNEN. - An edictal citation. - Concerning the nullity of a marriage (Zaccari-Iacobi). GRAVINEN. - An edictal citation. - Concerning the nullity of a marriage (Ferrino-Trotta).

III. - THE SUPREME APOTOLIC TRIBUNAL. May June 27 MANILEN. Concerning the circumscription, or regarding the decree for provisional execution. MONTISREGALEN. IN THE SUBALPINE REGION. An appeal for the restoration of rights in full.

IV. - THE SPECIAL COMMISSION OF THE MOST REVEREND CARDINALS. VERSALIEN. Concerning the nullity of a marriage. August 5. - THE PONTIFICIAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF CANONICAL LAWS. December February 9. 17 June 23. Regarding the resolution of doubts. Doubts proposed on February 17, 1918, and resolved in a plenary session. Doubts resolved in plenary sessions on June 2-3, 1918.

V. - MINUTES OF THE SECRETARY OFFICES OF THE STATE. May 10. A letter to the Most Reverend Ordinaries of Italy concerning the practice of consecrating families to the Most Sacred Heart of Jesus. VICARIATE OF THE CITY. March. A decree. It is again prohibited for both clergy to attend spectacles, commonly called ”cinematographs,” in public.

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His Eminence Cardinal Alexius, Archbishop of Benevento, together with the other Bishops of the same ecclesiastical province, receives a letter expressing gratitude for the common communication, 276.

The cathedral church of Aterradensis is erected in Brazil, 353.

The Bishops of the Austrian territories receive a letter, filled with observance and duty, sent from the Viennese assembly, 89.

The law of abstinence does not cease on feast days under precept, in France, having been suppressed by concession of the Holy See, 170.

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The metropolitan church of Adamantina and the new ecclesiastical province are erected in Brazil, 49.

Egypt, see Delegations.

Blessed Margaret Mary Alacoque: after the approval of two miracles, it is possible to safely proceed to her solemn canonization, 145 sqq.

Paul Albera, the general director of the Salesian Congregation, receives a letter concerning the fiftieth anniversary of the dedication of the church of Mary, Help of Christians, in Turin, and of his own ordination to the priesthood, 233.

Smaller basilicas are declared: Aimaras and Santos.

His Eminence Cardinal Henry, Archbishop of Seville, receives a letter on the occasion of the twenty-fifth anniversary of his episcopate, 134.

The parish church of Bonaërensis of Our Lady of Mercy, 8.

The "Carmine Maggiore" church in the city of Naples, 9.

The primary church of Carthaginense, the Bishops of America, diocesan reports, 411.

The church of Saint John in Florence, 475.

The church of the Order of the Servants of Mary in Monti Senari, a letter is received in the three hundredth year since the founding of their religious family, 57.

The church of Our Lady Assumed into Heaven in "Ravello" in the diocese of Amalfi, 408.

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The new statutes of the English College in the city are divided into twenty articles, 201.

The Archbishop and Bishops of Bavaria receive a letter in response to their common communication sent from the Frisingen assembly, 15.

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Mount Arana: the faithful who come to the church there receive indulgences, 410.

Cardinal John Beda, Archbishop of Perugia, together with Peter Pacifici,

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THE ORIENTAL INSTITUTE: A SUMMARY OF ITS ACTIVITIES.

I. Inauguration of Lectures.

II. General Statutes.

III. General Outline of Lectures:

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1. Lectures on Orthodox Theology.
2. Lectures on Historical Theology.
3. Lectures on Patrology and Patristics.
4. Lectures on Eastern Liturgies.
5. Lectures on Canon Law of the East.
6. Lectures on the Civil Laws of Christian Orient.
7. Lectures on the General History of the Orient.
8. Lectures on the Literary History of the Orient.
9. Lectures on Sacred Archaeology of the Orient.
10. Discussions or Conferences on Ethnographic Geography.
11. Schools of Oriental Languages.

IV. Various Announcements.

ROME: POLYGLOTT PRESS, MCMXVIII.

VATICAN.

[*Latin ed. p. 570*]

PONTIFICIAL INSTITUTE OF ORIENTAL STUDIES. INAUGURATION OF REGISTRATION.

1. The registration for the Pontifical Institute of Oriental Studies will commence on the 2nd day of the coming month of December, that is, on the Tuesday following the First Sunday of Advent.

2. Those who wish to pursue studies at the Institute should send their names and provide the documents indicated in paragraphs 9 and 10 of the General Statutes, as detailed below.

3. After the 20th day of December, 1918, no one will be admitted to registration thereafter.

4. Registrations will be accepted daily from the 28th of November, 1918, in the morning, from the hour of X to the hour of XI and a half, at the Institute's headquarters located in the area commonly known as Piazza Scossacàvalli, Rome.

[*Latin ed. p. 571*]

II. • GENERAL STATUTES. NOTE. – The statutes which follow are established, considering the present circumstances, so that from the very beginning, the Pontifical Oriental Institute may observe the best order, and so that all may have a certain rule by which they are guided: however, they do not constitute a definitive norm for the future.

1. The Pontifical Oriental Institute, by the will of its most magnificent Founder, His Holiness Pope BENEDICT XV, is a house of higher studies

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concerning Eastern affairs (from the Motu Proprio *Orientis Catholici*).

2. It is destined "firstly for Latin priests who wish to exercise the sacred ministry among the Orientals, so that they may be formed with an appropriate instruction, encompassing all necessary subjects" (ibid.).

3. "It is also open to Easterns, both united and orthodox, who are called by that name, and to others who dissent from the Roman Church: to the former, so that they may perfect their knowledge of the doctrine through the addition of the curriculum of these disciplines; and to the latter, so that they may, having laid aside all preconceived opinions, thoroughly investigate the truth" (ibid.).

4. All those who wish to engage in studies at the Pontifical Oriental Institute, whether as students or as auditors, must register.

5. Only clerics may be admitted as students, provided that, having completed their philosophical and theological studies, they are admitted according to the law, so that they must attend all lectures and exercises, which in each section of the Institute, deal with the subjects necessarily to be taught, and must submit to examinations concerning the aforementioned subjects, at the end of each academic year.

6. Auditors are those, whether clerics or laymen, who, with permission granted by the President, and subject to certain rules to be established below, are admitted so that they may attend the schools or lectures of their choice.

7. Those who wish to devote themselves to studies at the Institute should, first of all, send their names in writing to the President of the Institute, and at the same time, indicate whether they desire to be admitted as students or as auditors.

8. Clerics of the Latin rite who belong to a religious community, of which some members are engaged in the service of the Orientals, or in the instruction of youth in letters, or in other sacred ministries, shall be considered as students, with all the obligations of students, unless they have obtained a dispensation for a serious reason.

9. This year, a dispensation from n. 8 of these Statutes is granted to all.

[*Latin ed. p. 572*]

U. r- General Statutes 3, 9. For admission among the Students, it is also necessary to indicate: a) the diocese or Order or religious Congregation to which they belong; b) the place of origin and the present place of residence; c) the Sacred Order in which they are enrolled, with the place and date of ordination; d) academic degrees, if any, obtained, with the place and date of attainment; e) an authentic certificate of philosophical and theological studies completed; f) For those who come to Rome, in addition, testimonial letters are required from the Ordinary or from the religious Superior, given with consent for studies to be carried out in the Oriental Institute. For those

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who come from Pontifical Colleges or from religious houses existing in Rome, a letter of recommendation from the Rector of the College or house is sufficient. 10. For admission among the Auditors, clerics must present the same documents as those who wish to be enrolled among the Students, in addition to the certificate of philosophical and theological studies completed. Laymen, in addition to their name, place of origin, and present place of residence, are also required to indicate: a) studies already completed with an authentic document; b) academic degrees, if any, obtained, with the place and date of attainment; c) they must also present letters of recommendation regarding their good character, given by a person of standing or by a civil authority to which they are subject. Clerics, together with laymen, declare which schools or lectures they intend to attend. 11. No fee is charged for registration or for attending schools and accessing the library of the Institute. 12. Each Student and Auditor will be given a badge or card of admission to the schools of the Institute, which they must always keep with them, and without which no one will be admitted to the schools or the library. 13. Students will combine their attendance with diligence and assiduity, both in the lectures and in the exercises of the Institute. 14. In order to better encourage Students to apply themselves to their studies, or to demonstrate to the instructors their progress in learning the disciplines, the ordinary course of studies in the Oriental Institute includes two examinations, to be taken by all Students at the end of each year. 15. At the end of the first year, all Students must take an examination on the compulsory subjects which have been taught during the year by the professors. 16. Those who, either in whole or in part, do not succeed in the aforementioned examination at the end of the first academic year, or who have just reasons for postponing it, nevertheless, in admitting Auditors, the President of the Institute has the power, according to his prudence and the seriousness of the reason, to grant a dispensation, either in whole or in part, from the aforementioned conditions.

[*Latin ed. p. 573*]

I. Statuta generalia 4: Facultatem habuerint, initio sequentis anni periculum integre vel ex parte renovare, vel dilatum subire, tenentur, ut inter alumnos secundi anni conscribi et speciale diploma Instituti consequi valeant.

17. Exacto secundo anno, aliud experimentum de materiis obligatoriis, anno praeterlapso, traditis, fiet ab iis alumnis etiam qui speciale diploma Pontificii Instituti Orientalis consequi non optant.

18. Ut omnibus, ac praesertim ecclesiasticis Superioribus, de studiorum curriculo rite ab alumnis in Instituto peracto, de periclitata cum laude doctrina, authenticum praesto sit documentum, Instituti Praeses, rite suffragantibus doctoribus singulis cuiuslibet disciplinae tradendae, alumnis de comprobata experimento doctrina testimonium porriget.

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19. Alumni vero qui, feliciter superato examine primi anni, peculiari laurea seu diplomate P. I. O. condecoran cupiunt, experimentum in fine secundi anni oretenus facient de materiis obligatoriis per biennium ab unoquoque doctore traditis, dissertationemque, vel uti aiunt, « thesim » in scripto evolvent de determinato magni momenti argumento ex quadam inter materias obligatorias ab ipsis alumnis selecto.

20. Antequam thema dissertationis seligat candidatus, consilium sumet a Praeside necnon a respectivo magistro, ut ab ipsis summopere adiuvetur pro evolvendi gratia argumenti theseos selectae iuxta normas methodi scientificae.

21. Normae peculiares pro subeundis examinibus et statuta propria pro adeunda bibliotheca publice innotescent.

22. Qui leges Instituti Orientalis transgressi fuerint aut quidpiam probo viro indignum graviter patraverint, a frequentandis scholis et bibliotheca removeantur.

[*Latin ed. p. 574*]

III. GENERAL OUTLINE OF THE LECTURES TO BE GIVEN IN THE ORIENTAL PONTIFICAL INSTITUTE.

1. Lectures on Orthodox Theology, and on the doctrines peculiar to other Christians of the East. In the first part of the lectures, after presenting notions concerning the history and the sources of Greco-Slavic theology, in each chapter of the Christian faith, a brief definition of Catholic doctrine will always precede, and an objective exposition of Orthodox doctrine will be given, drawing arguments both from the so-called "symbolic books," and from the works of the principal Orthodox theologians. In the second part, the subject will be the Nestorian Theology and the doctrines of the Monophysites, always preceded by a brief discussion of the history and the sources of these doctrines.

2. Lectures on Historical Theology. A careful exposition, as well as a history, will be given of the Dogmas and of the entire Christian doctrine, drawing arguments solely from the monuments of the Divine Tradition, especially from the writings of the Fathers, who flourished from the Apostolic times until the ninth century, particularly in the Eastern Church, with emphasis on the chapters of Christian doctrine in which both the Orthodox Greco-Slavic Church and other Eastern nations differ from the Roman Church.

3. Lectures on Patrology and Patristics. Lectures will be given for a more thorough study of the lives, works, and doctrines of the Fathers or Doctors of the Eastern Church, who, above all others, enjoy great renown and authority due to their doctrine, reputation, the excellence of their works, and the splendor of their sanctity. Regarding their works, the subject will be the number, authenticity, the principal editions, as well as the manuscript

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sources. And with great diligence, the doctrines of these Fathers will also be discussed.

4. Lectures on the Eastern Liturgies. In this school, after presenting notions concerning the origins and liturgical sources, the subject will be: of the liturgical customs or rites of the Sacrifice of the Mass according to various...

[*Latin ed. p. 575*]

6 I I I. - A general overview of the readings introduced in recent centuries; 2° concerning the sacramental rites, the divine offices, and the division of the liturgical year in the various Eastern Churches; 3° concerning the description and structure of liturgical books, and hymnography, or liturgical poetry.

5. - Lectures on Canon Law of the Orient. In the school of Eastern ecclesiastical law, after a thorough treatment of the sources and collections of canon law, then the rites of the Byzantine Churches, and then of other nations, are presented: 1° on ecclesiastical public law as considered by the Orientals, and especially by the Greek-Slav Orthodox; 2° on the prescriptions of private canon law, whether common or peculiar to individual Eastern Churches.

6. - Lectures on the civil laws of Christian Orientals, compared among themselves. In this discipline of law, a certain new branch, still in its infancy, aims to provide a concise statement of the most important civil rights found in the history of Christian Orient. Each individual right will be compared, both among themselves, and in relation to the development of Roman Law. The foundation of the whole will be the law of the Syrian and Persian Christians, as well as that of the Byzantines. With respect to this, the historical antecedents (especially the law of the Hebrews) and consequences (especially the law of the Mohammedans) will be explained.

7. - Lectures on the general history, but especially the religious history, of the Christian nations of the Orient. The lectures on the general history of the Orient are divided into two parts. In the first part, the subject will be the ancient history of both the Byzantine Empire and of other Christian nations of the Orient. In the second part, the subject will be the more recent history of the Slavic peoples and of others who use the sacred rites of the Eastern Church, whether in the Balkan region, or in other regions of Christian Orient. Special attention will be paid to the objective presentation of the efforts of the Apostolic See for the reconciliation of both Churches throughout the centuries, as well as to a general presentation of the diplomatic history of the Orient from the 16th to the 20th century.

8. - Lectures on the literary history of Christian writers of the Orient. In these lectures, brief accounts will be given concerning the lives and works of individual Christian writers of the Orient. Concerning the

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authenticity, authority, or importance, and concerning the editions or principal manuscript codices of each of their works, which still exist.

[*Latin ed. p. 576*]

III. – A general overview of the lectures will be presented, followed by a concise discussion. The main topic will be Byzantine authors and the most distinguished men who have written on religious matters, either in ReuÃ or among other nations of the Slavic race. Lectures or discussions will be held in which the most outstanding Christian writers of Armenian, Syriac-Chaldean, Arabic, Coptic, and Abyssinian origin will be considered with similar attention.

9. – Lectures on the sacred archaeology of the East, particularly Byzantine. In these lectures, there will be a discussion of the form of churches, their various parts, and their ornamentation, as well as of the furnishings of the church and of the minor arts. Furthermore, information will be provided on civil architecture, on numismatics, on Byzantine sigillography, on Byzantine paleography, and on Byzantine epigraphy.

10. – Discussions or Conferences on the ethnography and geography of the Christian nations of the East. These discussions will be held at the appropriate time, in which regions and places will be described where the present-day Christian nations are located, whether united with the Church of Rome or still separated from it, but which, in both liturgical and disciplinary matters, follow the rites and customs of the Eastern Church. There will also be a discussion of the race, language, customs, and manners, the level of culture, the religious life, and the principal institutions, both civil and religious, of these peoples. Finally, information will be presented on the form of government and the political constitution by which these nations are governed.

11. – Schools of Oriental Languages. In these schools, the following languages will be taught:

a) The Greek language;

b) The Russian language, along with the elements of the Old Slavonic language;

c) The literary Syriac language;

d) The literary Arabic language;

e) The Coptic language;

f) The literary Armenian language;

g) The Ethiopian language;

h) The Georgian language.

NOTE: – In the future, it will be permissible, according to circumstances

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and opportunities, to consult a more comprehensive teaching plan.

[*Latin ed. p. 577*]

iv. VARIA NOTITIA. Divisio anni scholasticus. – Annum scholasticum dividitur in duas partes, seu semestres. Hoc anno, propter conditiones speciales, prior, ab initio lectionum, ad diem 15 Martii; altera, a die 16 Martii ad diem 30 Iunii, se extendit. Vacationes. – Scholae Instituti vacabunt: 1) Omnibus diebus Dominicis et festis de praecepto; 2) omnibus feriis V, nisi aliter notetur in Kalendario; 3) a Vigilia Nativitatis Domini Nostri Iesu Christi usque ad diem 1 Ianuarii; 4) feria II et III post Dominicam Quinquagesimae et feria IV Cinerum mane; 5) a Dominica Palmarum usque ad Dominicam in Albis; 6) Vigilia Pentecostes, cum feriis II et III post eundem diem festum. Distributio horarum pro lectionibus. – Duae lectiones tradentur mane et duae post meridiem. Ad vitanda iterandae saepius horarum mutationis incommoda pro lectionibus pomeridianis, et simul ut aliqua temporum et locorum ratio habeatur, distributio horarum ita ordinabitur: prima lectio pomeridiana, inde ab initio lectionum usque ad diem 31 Ianuarii, hora tertia incipiet. Inde a kalendis Februarii usque ad festum Paschatis eidem primae huic lectioni initium dabitur hora tertia cum dimidio. Denique post vacationes paschales, prima lectio a meridie incipiet hora quarta. Scholae linguarum orientalium. – 1° In Pontificio Instituto Orientalis, studium idiomatum orientalium peragitur ut idoneae practice efficiantur alumni, tum ad attingenda directe documenta originalia in his linguis exarata, tum ad opera evolvenda scriptorum orientalium qui de rebus religiosis scripserunt. 2° Studio duarum linguarum orientalium, quae inter materias obligatorias examinibus necesse subiiciendas recensentur, sedulo vacabunt singuli alumni. 3° Hoc anno fas erit alumnis, annuentibus Superioribus, sibi seligere duas ex linguis in programmate relatis. 4° Cum necessaria sit omnino in Alumnis Pontificii Instituti Orientalis graecae linguae classicae cognitio pro disciplinis ceteris pleno cum profectu addiscendis, monentur omnes qui huiusmodi cognitione forte careant ut sedulo inde ab initio huius primi anni istius nobilissimi idiomatis studio incumbant. 5° Animadvertant insuper Alumni omnes, studium linguae Russicae magni faciendum propter innumera summi momenti opera litteraria isto sermone exarata, quorum intelligentia necessaria est in omnibus qui rebus religiosis totius Orientis mentem applicant.

[*Latin ed. p. 578*]

IV. - Various Announcements, 9, 6th. The preceding paragraphs, under numbers 4 and 5, pertain only to students of this first year; however, those that follow are established for all those who, during this first year, have enrolled in the Oriental Institute, namely: a) In addition to the absolute studies of philosophy and theology, knowledge of the classical Greek language is required of all, so that, without undue difficulty, and with some

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immediate preparation, they may be able to understand easier Greek texts and explain the reasoning of grammatical forms; b) The school of the Russian language shall be considered among the schools that all students of the Oriental Institute are required to attend. The order of lectures, distributed among the days of the week, is as follows: 1. Tuesday. Morning: 8:30 AM - 9:30 AM. P.M.: I. Orthodox Theology. II. Liturgies of the East. III. History of the East. IV. Oriental Language - A. 2. Wednesday. Morning: 8:30 AM - 9:30 AM. P.M.: I. Vacant. II. History of Oriental Literature. III. Oriental Language - B. 3. Thursday. Morning: 8:30 AM - 9:30 AM. P.M.: I. Historical Theology. II. Patrology and Patristics. III. Oriental Language - B. 4. Friday. Morning: 8:30 AM - 9:30 AM. P.M.: I. Orthodox Theology. II. Archaeology of the East. III. History of the East. IV. Oriental Language - A. 5. Saturday: Morning: 8:30 AM - 9:30 AM. P.M.: I. Historical Theology. II. Oriental Civil Law. III. Oriental Canon Law (Fontes and Golíec). IV. Oriental Language - B.

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